

**102ND GENERAL ASSEMBLY****State of Illinois****2021 and 2022****SB2889**

Introduced 3/19/2021, by Sen. David Koehler

SYNOPSIS AS INTRODUCED:

See Index

Amends the Department of State Police Law of the Civil Administrative Code of Illinois. Provides that the Illinois State Police shall establish a portal for use by federal, State, or local law enforcement agencies, including Offices of the State's Attorneys and the Office of the Attorney General to capture a report of persons whose Firearm Owner's Identification Cards have been revoked or suspended. Provides that the portal is for law enforcement purposes only. Amends the Firearm Owners Identification Card Act. Provides that each applicant for the issuance of a Firearm Owner's Identification Card may include a full set of his or her fingerprints in electronic format to the Illinois State Police. Provides that a Firearm Owner's Identification Card of a licensee under the Firearm Concealed Carry Act shall not expire during the term of the licensee's concealed carry license. Provides that the Illinois State Police shall deny an application or shall revoke and seize a Firearm Owner's Identification Card previously issued under the Act if the Illinois State Police finds that the applicant or person to whom such card was issued is or was at the time of issuance subject to a civil no contact order or a stalking no contact order. Provides for email notifications from the Illinois State Police upon request of an applicant or Card holder. Create expanded rule making authority for the Illinois State Police concerning the Firearm Owners Identification Card Act and the Firearm Concealed Carry Act. Makes conforming changes in various other Acts.

LRB102 17768 RLC 24011 b

1 AN ACT concerning firearms.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 3. The Open Meetings Act is amended by changing
5 Section 2 as follows:

6 (5 ILCS 120/2) (from Ch. 102, par. 42)

7 Sec. 2. Open meetings.

8 (a) Openness required. All meetings of public bodies shall
9 be open to the public unless excepted in subsection (c) and
10 closed in accordance with Section 2a.

11 (b) Construction of exceptions. The exceptions contained
12 in subsection (c) are in derogation of the requirement that
13 public bodies meet in the open, and therefore, the exceptions
14 are to be strictly construed, extending only to subjects
15 clearly within their scope. The exceptions authorize but do
16 not require the holding of a closed meeting to discuss a
17 subject included within an enumerated exception.

18 (c) Exceptions. A public body may hold closed meetings to
19 consider the following subjects:

20 (1) The appointment, employment, compensation,
21 discipline, performance, or dismissal of specific
22 employees, specific individuals who serve as independent
23 contractors in a park, recreational, or educational

1 setting, or specific volunteers of the public body or
2 legal counsel for the public body, including hearing
3 testimony on a complaint lodged against an employee, a
4 specific individual who serves as an independent
5 contractor in a park, recreational, or educational
6 setting, or a volunteer of the public body or against
7 legal counsel for the public body to determine its
8 validity. However, a meeting to consider an increase in
9 compensation to a specific employee of a public body that
10 is subject to the Local Government Wage Increase
11 Transparency Act may not be closed and shall be open to the
12 public and posted and held in accordance with this Act.

13 (2) Collective negotiating matters between the public
14 body and its employees or their representatives, or
15 deliberations concerning salary schedules for one or more
16 classes of employees.

17 (3) The selection of a person to fill a public office,
18 as defined in this Act, including a vacancy in a public
19 office, when the public body is given power to appoint
20 under law or ordinance, or the discipline, performance or
21 removal of the occupant of a public office, when the
22 public body is given power to remove the occupant under
23 law or ordinance.

24 (4) Evidence or testimony presented in open hearing,
25 or in closed hearing where specifically authorized by law,
26 to a quasi-adjudicative body, as defined in this Act,

1 provided that the body prepares and makes available for
2 public inspection a written decision setting forth its
3 determinative reasoning.

4 (5) The purchase or lease of real property for the use
5 of the public body, including meetings held for the
6 purpose of discussing whether a particular parcel should
7 be acquired.

8 (6) The setting of a price for sale or lease of
9 property owned by the public body.

10 (7) The sale or purchase of securities, investments,
11 or investment contracts. This exception shall not apply to
12 the investment of assets or income of funds deposited into
13 the Illinois Prepaid Tuition Trust Fund.

14 (8) Security procedures, school building safety and
15 security, and the use of personnel and equipment to
16 respond to an actual, a threatened, or a reasonably
17 potential danger to the safety of employees, students,
18 staff, the public, or public property.

19 (9) Student disciplinary cases.

20 (10) The placement of individual students in special
21 education programs and other matters relating to
22 individual students.

23 (11) Litigation, when an action against, affecting or
24 on behalf of the particular public body has been filed and
25 is pending before a court or administrative tribunal, or
26 when the public body finds that an action is probable or

1 imminent, in which case the basis for the finding shall be
2 recorded and entered into the minutes of the closed
3 meeting.

4 (12) The establishment of reserves or settlement of
5 claims as provided in the Local Governmental and
6 Governmental Employees Tort Immunity Act, if otherwise the
7 disposition of a claim or potential claim might be
8 prejudiced, or the review or discussion of claims, loss or
9 risk management information, records, data, advice or
10 communications from or with respect to any insurer of the
11 public body or any intergovernmental risk management
12 association or self insurance pool of which the public
13 body is a member.

14 (13) Conciliation of complaints of discrimination in
15 the sale or rental of housing, when closed meetings are
16 authorized by the law or ordinance prescribing fair
17 housing practices and creating a commission or
18 administrative agency for their enforcement.

19 (14) Informant sources, the hiring or assignment of
20 undercover personnel or equipment, or ongoing, prior or
21 future criminal investigations, when discussed by a public
22 body with criminal investigatory responsibilities.

23 (15) Professional ethics or performance when
24 considered by an advisory body appointed to advise a
25 licensing or regulatory agency on matters germane to the
26 advisory body's field of competence.

1 (16) Self evaluation, practices and procedures or
2 professional ethics, when meeting with a representative of
3 a statewide association of which the public body is a
4 member.

5 (17) The recruitment, credentialing, discipline or
6 formal peer review of physicians or other health care
7 professionals, or for the discussion of matters protected
8 under the federal Patient Safety and Quality Improvement
9 Act of 2005, and the regulations promulgated thereunder,
10 including 42 C.F.R. Part 3 (73 FR 70732), or the federal
11 Health Insurance Portability and Accountability Act of
12 1996, and the regulations promulgated thereunder,
13 including 45 C.F.R. Parts 160, 162, and 164, by a
14 hospital, or other institution providing medical care,
15 that is operated by the public body.

16 (18) Deliberations for decisions of the Prisoner
17 Review Board.

18 (19) Review or discussion of applications received
19 under the Experimental Organ Transplantation Procedures
20 Act.

21 (20) The classification and discussion of matters
22 classified as confidential or continued confidential by
23 the State Government Suggestion Award Board.

24 (21) Discussion of minutes of meetings lawfully closed
25 under this Act, whether for purposes of approval by the
26 body of the minutes or semi-annual review of the minutes

1 as mandated by Section 2.06.

2 (22) Deliberations for decisions of the State
3 Emergency Medical Services Disciplinary Review Board.

4 (23) The operation by a municipality of a municipal
5 utility or the operation of a municipal power agency or
6 municipal natural gas agency when the discussion involves
7 (i) contracts relating to the purchase, sale, or delivery
8 of electricity or natural gas or (ii) the results or
9 conclusions of load forecast studies.

10 (24) Meetings of a residential health care facility
11 resident sexual assault and death review team or the
12 Executive Council under the Abuse Prevention Review Team
13 Act.

14 (25) Meetings of an independent team of experts under
15 Brian's Law.

16 (26) Meetings of a mortality review team appointed
17 under the Department of Juvenile Justice Mortality Review
18 Team Act.

19 (27) (Blank).

20 (28) Correspondence and records (i) that may not be
21 disclosed under Section 11-9 of the Illinois Public Aid
22 Code or (ii) that pertain to appeals under Section 11-8 of
23 the Illinois Public Aid Code.

24 (29) Meetings between internal or external auditors
25 and governmental audit committees, finance committees, and
26 their equivalents, when the discussion involves internal

1 control weaknesses, identification of potential fraud risk
2 areas, known or suspected frauds, and fraud interviews
3 conducted in accordance with generally accepted auditing
4 standards of the United States of America.

5 (30) Those meetings or portions of meetings of a
6 fatality review team or the Illinois Fatality Review Team
7 Advisory Council during which a review of the death of an
8 eligible adult in which abuse or neglect is suspected,
9 alleged, or substantiated is conducted pursuant to Section
10 15 of the Adult Protective Services Act.

11 (31) Meetings and deliberations for decisions of the
12 Concealed Carry Licensing Review Board under the Firearm
13 Concealed Carry Act.

14 (32) Meetings between the Regional Transportation
15 Authority Board and its Service Boards when the discussion
16 involves review by the Regional Transportation Authority
17 Board of employment contracts under Section 28d of the
18 Metropolitan Transit Authority Act and Sections 3A.18 and
19 3B.26 of the Regional Transportation Authority Act.

20 (33) Those meetings or portions of meetings of the
21 advisory committee and peer review subcommittee created
22 under Section 320 of the Illinois Controlled Substances
23 Act during which specific controlled substance prescriber,
24 dispenser, or patient information is discussed.

25 (34) Meetings of the Tax Increment Financing Reform
26 Task Force under Section 2505-800 of the Department of

1 Revenue Law of the Civil Administrative Code of Illinois.

2 (35) Meetings of the group established to discuss
3 Medicaid capitation rates under Section 5-30.8 of the
4 Illinois Public Aid Code.

5 (36) Those deliberations or portions of deliberations
6 for decisions of the Illinois Gaming Board in which there
7 is discussed any of the following: (i) personal,
8 commercial, financial, or other information obtained from
9 any source that is privileged, proprietary, confidential,
10 or a trade secret; or (ii) information specifically
11 exempted from the disclosure by federal or State law.

12 (37) Meetings of the Firearm Owner's Identification
13 Card Review Board under Section 10 of the Firearm Owners
14 Identification Card Act.

15 (d) Definitions. For purposes of this Section:

16 "Employee" means a person employed by a public body whose
17 relationship with the public body constitutes an
18 employer-employee relationship under the usual common law
19 rules, and who is not an independent contractor.

20 "Public office" means a position created by or under the
21 Constitution or laws of this State, the occupant of which is
22 charged with the exercise of some portion of the sovereign
23 power of this State. The term "public office" shall include
24 members of the public body, but it shall not include
25 organizational positions filled by members thereof, whether
26 established by law or by a public body itself, that exist to

1 assist the body in the conduct of its business.

2 "Quasi-adjudicative body" means an administrative body
3 charged by law or ordinance with the responsibility to conduct
4 hearings, receive evidence or testimony and make
5 determinations based thereon, but does not include local
6 electoral boards when such bodies are considering petition
7 challenges.

8 (e) Final action. No final action may be taken at a closed
9 meeting. Final action shall be preceded by a public recital of
10 the nature of the matter being considered and other
11 information that will inform the public of the business being
12 conducted.

13 (Source: P.A. 100-201, eff. 8-18-17; 100-465, eff. 8-31-17;
14 100-646, eff. 7-27-18; 101-31, eff. 6-28-19; 101-459, eff.
15 8-23-19; revised 9-27-19.)

16 Section 5. The Freedom of Information Act is amended by
17 changing Section 7.5 as follows:

18 (5 ILCS 140/7.5)

19 Sec. 7.5. Statutory exemptions. To the extent provided for
20 by the statutes referenced below, the following shall be
21 exempt from inspection and copying:

22 (a) All information determined to be confidential
23 under Section 4002 of the Technology Advancement and
24 Development Act.

1 (b) Library circulation and order records identifying
2 library users with specific materials under the Library
3 Records Confidentiality Act.

4 (c) Applications, related documents, and medical
5 records received by the Experimental Organ Transplantation
6 Procedures Board and any and all documents or other
7 records prepared by the Experimental Organ Transplantation
8 Procedures Board or its staff relating to applications it
9 has received.

10 (d) Information and records held by the Department of
11 Public Health and its authorized representatives relating
12 to known or suspected cases of sexually transmissible
13 disease or any information the disclosure of which is
14 restricted under the Illinois Sexually Transmissible
15 Disease Control Act.

16 (e) Information the disclosure of which is exempted
17 under Section 30 of the Radon Industry Licensing Act.

18 (f) Firm performance evaluations under Section 55 of
19 the Architectural, Engineering, and Land Surveying
20 Qualifications Based Selection Act.

21 (g) Information the disclosure of which is restricted
22 and exempted under Section 50 of the Illinois Prepaid
23 Tuition Act.

24 (h) Information the disclosure of which is exempted
25 under the State Officials and Employees Ethics Act, and
26 records of any lawfully created State or local inspector

1 general's office that would be exempt if created or
2 obtained by an Executive Inspector General's office under
3 that Act.

4 (i) Information contained in a local emergency energy
5 plan submitted to a municipality in accordance with a
6 local emergency energy plan ordinance that is adopted
7 under Section 11-21.5-5 of the Illinois Municipal Code.

8 (j) Information and data concerning the distribution
9 of surcharge moneys collected and remitted by carriers
10 under the Emergency Telephone System Act.

11 (k) Law enforcement officer identification information
12 or driver identification information compiled by a law
13 enforcement agency or the Department of Transportation
14 under Section 11-212 of the Illinois Vehicle Code.

15 (l) Records and information provided to a residential
16 health care facility resident sexual assault and death
17 review team or the Executive Council under the Abuse
18 Prevention Review Team Act.

19 (m) Information provided to the predatory lending
20 database created pursuant to Article 3 of the Residential
21 Real Property Disclosure Act, except to the extent
22 authorized under that Article.

23 (n) Defense budgets and petitions for certification of
24 compensation and expenses for court appointed trial
25 counsel as provided under Sections 10 and 15 of the
26 Capital Crimes Litigation Act. This subsection (n) shall

1 apply until the conclusion of the trial of the case, even
2 if the prosecution chooses not to pursue the death penalty
3 prior to trial or sentencing.

4 (o) Information that is prohibited from being
5 disclosed under Section 4 of the Illinois Health and
6 Hazardous Substances Registry Act.

7 (p) Security portions of system safety program plans,
8 investigation reports, surveys, schedules, lists, data, or
9 information compiled, collected, or prepared by or for the
10 Regional Transportation Authority under Section 2.11 of
11 the Regional Transportation Authority Act or the St. Clair
12 County Transit District under the Bi-State Transit Safety
13 Act.

14 (q) Information prohibited from being disclosed by the
15 Personnel Record Review Act.

16 (r) Information prohibited from being disclosed by the
17 Illinois School Student Records Act.

18 (s) Information the disclosure of which is restricted
19 under Section 5-108 of the Public Utilities Act.

20 (t) All identified or deidentified health information
21 in the form of health data or medical records contained
22 in, stored in, submitted to, transferred by, or released
23 from the Illinois Health Information Exchange, and
24 identified or deidentified health information in the form
25 of health data and medical records of the Illinois Health
26 Information Exchange in the possession of the Illinois

1 Health Information Exchange Office due to its
2 administration of the Illinois Health Information
3 Exchange. The terms "identified" and "deidentified" shall
4 be given the same meaning as in the Health Insurance
5 Portability and Accountability Act of 1996, Public Law
6 104-191, or any subsequent amendments thereto, and any
7 regulations promulgated thereunder.

8 (u) Records and information provided to an independent
9 team of experts under the Developmental Disability and
10 Mental Health Safety Act (also known as Brian's Law).

11 (v) Names and information of people who have applied
12 for or received Firearm Owner's Identification Cards under
13 the Firearm Owners Identification Card Act or applied for
14 or received a concealed carry license under the Firearm
15 Concealed Carry Act, unless otherwise authorized by the
16 Firearm Concealed Carry Act; and databases under the
17 Firearm Concealed Carry Act, records of the Concealed
18 Carry Licensing Review Board under the Firearm Concealed
19 Carry Act, and law enforcement agency objections under the
20 Firearm Concealed Carry Act.

21 (v-5) Records of the Firearm Owner's Identification
22 Card Review Board that are exempted from disclosure under
23 Section 10 of the Firearm Owners Identification Card Act.

24 (w) Personally identifiable information which is
25 exempted from disclosure under subsection (g) of Section
26 19.1 of the Toll Highway Act.

1 (x) Information which is exempted from disclosure
2 under Section 5-1014.3 of the Counties Code or Section
3 8-11-21 of the Illinois Municipal Code.

4 (y) Confidential information under the Adult
5 Protective Services Act and its predecessor enabling
6 statute, the Elder Abuse and Neglect Act, including
7 information about the identity and administrative finding
8 against any caregiver of a verified and substantiated
9 decision of abuse, neglect, or financial exploitation of
10 an eligible adult maintained in the Registry established
11 under Section 7.5 of the Adult Protective Services Act.

12 (z) Records and information provided to a fatality
13 review team or the Illinois Fatality Review Team Advisory
14 Council under Section 15 of the Adult Protective Services
15 Act.

16 (aa) Information which is exempted from disclosure
17 under Section 2.37 of the Wildlife Code.

18 (bb) Information which is or was prohibited from
19 disclosure by the Juvenile Court Act of 1987.

20 (cc) Recordings made under the Law Enforcement
21 Officer-Worn Body Camera Act, except to the extent
22 authorized under that Act.

23 (dd) Information that is prohibited from being
24 disclosed under Section 45 of the Condominium and Common
25 Interest Community Ombudsperson Act.

26 (ee) Information that is exempted from disclosure

1 under Section 30.1 of the Pharmacy Practice Act.

2 (ff) Information that is exempted from disclosure
3 under the Revised Uniform Unclaimed Property Act.

4 (gg) Information that is prohibited from being
5 disclosed under Section 7-603.5 of the Illinois Vehicle
6 Code.

7 (hh) Records that are exempt from disclosure under
8 Section 1A-16.7 of the Election Code.

9 (ii) Information which is exempted from disclosure
10 under Section 2505-800 of the Department of Revenue Law of
11 the Civil Administrative Code of Illinois.

12 (jj) Information and reports that are required to be
13 submitted to the Department of Labor by registering day
14 and temporary labor service agencies but are exempt from
15 disclosure under subsection (a-1) of Section 45 of the Day
16 and Temporary Labor Services Act.

17 (kk) Information prohibited from disclosure under the
18 Seizure and Forfeiture Reporting Act.

19 (ll) Information the disclosure of which is restricted
20 and exempted under Section 5-30.8 of the Illinois Public
21 Aid Code.

22 (mm) Records that are exempt from disclosure under
23 Section 4.2 of the Crime Victims Compensation Act.

24 (nn) Information that is exempt from disclosure under
25 Section 70 of the Higher Education Student Assistance Act.

26 (oo) Communications, notes, records, and reports

1 arising out of a peer support counseling session
2 prohibited from disclosure under the First Responders
3 Suicide Prevention Act.

4 (pp) Names and all identifying information relating to
5 an employee of an emergency services provider or law
6 enforcement agency under the First Responders Suicide
7 Prevention Act.

8 (qq) Information and records held by the Department of
9 Public Health and its authorized representatives collected
10 under the Reproductive Health Act.

11 (rr) Information that is exempt from disclosure under
12 the Cannabis Regulation and Tax Act.

13 (ss) Data reported by an employer to the Department of
14 Human Rights pursuant to Section 2-108 of the Illinois
15 Human Rights Act.

16 (tt) Recordings made under the Children's Advocacy
17 Center Act, except to the extent authorized under that
18 Act.

19 (uu) Information that is exempt from disclosure under
20 Section 50 of the Sexual Assault Evidence Submission Act.

21 (vv) Information that is exempt from disclosure under
22 subsections (f) and (j) of Section 5-36 of the Illinois
23 Public Aid Code.

24 (ww) Information that is exempt from disclosure under
25 Section 16.8 of the State Treasurer Act.

26 (xx) Information that is exempt from disclosure or

1 information that shall not be made public under the
2 Illinois Insurance Code.

3 (yy) Information prohibited from being disclosed under
4 the Illinois Educational Labor Relations Act.

5 (zz) Information prohibited from being disclosed under
6 the Illinois Public Labor Relations Act.

7 (aaa) Information prohibited from being disclosed
8 under Section 1-167 of the Illinois Pension Code.

9 (bbb) Records exempt from disclosure under Section
10 2605-304 of the Department of State Police Law of the
11 Civil Administrative Code of Illinois.

12 (Source: P.A. 100-20, eff. 7-1-17; 100-22, eff. 1-1-18;
13 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff.
14 8-28-17; 100-465, eff. 8-31-17; 100-512, eff. 7-1-18; 100-517,
15 eff. 6-1-18; 100-646, eff. 7-27-18; 100-690, eff. 1-1-19;
16 100-863, eff. 8-14-18; 100-887, eff. 8-14-18; 101-13, eff.
17 6-12-19; 101-27, eff. 6-25-19; 101-81, eff. 7-12-19; 101-221,
18 eff. 1-1-20; 101-236, eff. 1-1-20; 101-375, eff. 8-16-19;
19 101-377, eff. 8-16-19; 101-452, eff. 1-1-20; 101-466, eff.
20 1-1-20; 101-600, eff. 12-6-19; 101-620, eff. 12-20-19; 101-649,
21 eff. 7-7-20.)

22 Section 10. The Department of State Police Law of the
23 Civil Administrative Code of Illinois is amended by changing
24 Section 2605-605 and by adding Section 2605-304 as follows:

1 (20 ILCS 2605/2605-304 new)

2 Sec. 2605-304. Prohibited persons portal.

3 (a) Within 90 days after the effective date of this
4 amendatory Act of the 102nd General Assembly, the Illinois
5 State Police shall establish a portal for use by federal,
6 State, or local law enforcement agencies, including Offices of
7 the State's Attorneys and the Office of the Attorney General
8 to capture a report of persons whose Firearm Owner's
9 Identification Cards have been revoked or suspended. The
10 portal is for law enforcement purposes only.

11 (b) The Illinois State Police shall include in the report
12 the reason the person's Firearm Owner's Identification Card
13 was subject to revocation or suspension, to the extent allowed
14 by law, consistent with Section 8 of the Firearm Owners
15 Identification Card Act.

16 (c) The Illinois State Police shall indicate whether the
17 person subject to the revocation or suspension of his or her
18 Firearm Owner's Identification Card has surrendered his or her
19 revoked or suspended Firearm Owner's Identification Card and
20 whether the person has completed a Firearm Disposition Record
21 required under Section 9.5 of the Firearm Owners
22 Identification Card Act. The Illinois State Police shall make
23 reasonable efforts to make this information available on the
24 Law Enforcement Agencies Data System (LEADS).

25 (d) The Illinois State Police shall provide updates of
26 information related to an individual's current Firearm Owner's

1 Identification Card revocation or suspension status, including
2 compliance under Section 9.5 of the Firearm Owners
3 Identification Card Act, in the Illinois State Police's Law
4 Enforcement Agencies Data System.

5 (e) Records in this portal are exempt from disclosure
6 under the Freedom of Information Act.

7 (f) The Illinois State Police may adopt rules necessary to
8 implement this Section.

9 (20 ILCS 2605/2605-605)

10 Sec. 2605-605. Violent Crime Intelligence Task Force. The
11 Director of State Police shall ~~may~~ establish a statewide
12 multi-jurisdictional Violent Crime Intelligence Task Force led
13 by the Department of State Police dedicated to combating gun
14 violence, gun-trafficking, and other violent crime with the
15 primary mission of preservation of life and reducing the
16 occurrence and the fear of crime. The objectives of the Task
17 Force shall include, but not be limited to, reducing and
18 preventing illegal possession and use of firearms,
19 firearm-related homicides, and other violent crimes.

20 (1) The Task Force may develop and acquire information,
21 training, tools, and resources necessary to implement a
22 data-driven approach to policing, with an emphasis on
23 intelligence development.

24 (2) The Task Force may utilize information sharing,
25 partnerships, crime analysis, and evidence-based practices to

1 assist in the reduction of firearm-related shootings,
2 homicides, and gun-trafficking.

3 (3) The Task Force may recognize and utilize best
4 practices of community policing and may develop potential
5 partnerships with faith-based and community organizations to
6 achieve its goals.

7 (4) The Task Force may identify and utilize best practices
8 in drug-diversion programs and other community-based services
9 to redirect low-level offenders.

10 (5) The Task Force may assist in violence suppression
11 strategies including, but not limited to, details in
12 identified locations that have shown to be the most prone to
13 gun violence and violent crime, focused deterrence against
14 violent gangs and groups considered responsible for the
15 violence in communities, and other intelligence driven methods
16 deemed necessary to interrupt cycles of violence or prevent
17 retaliation.

18 (6) In consultation with the Chief Procurement Officer,
19 the Department of State Police may obtain contracts for
20 software, commodities, resources, and equipment to assist the
21 Task Force with achieving this Act. Any contracts necessary to
22 support the delivery of necessary software, commodities,
23 resources, and equipment are not subject to the Illinois
24 Procurement Code, except for Sections 20-60, 20-65, 20-70, and
25 20-160 and Article 50 of that Code, provided that the Chief
26 Procurement Officer may, in writing with justification, waive

1 any certification required under Article 50 of the Illinois
2 Procurement Code.

3 (7) The Task Force shall conduct enforcement operations
4 against persons whose Firearm Owner's Identification Cards
5 have been revoked or suspended and persons who fail to comply
6 with the requirements of Section 9.5 of the Firearm Owners
7 Identification Card Act, prioritizing individuals presenting a
8 clear and present danger to themselves or to others under
9 paragraph (2) of subsection (d) of Section 8.1 of the Firearm
10 Owners Identification Card Act.

11 (8) The Task Force shall collaborate with local law
12 enforcement agencies to enforce provisions of the Firearm
13 Owners Identification Card Act, the Firearm Concealed Carry
14 Act, the Firearm Dealer License Certification Act, and Article
15 24 of the Criminal Code of 2012.

16 (9) To implement this Section, the Director of the
17 Illinois State Police may establish intergovernmental
18 contracts written and executed in conformity with the
19 Intergovernmental Cooperation Act.

20 (10) Law enforcement agencies that participate in
21 activities described in paragraphs (7) through (9) may apply
22 to the Illinois State Police for grants from the State Police
23 Revocation Enforcement Fund.

24 (Source: P.A. 100-3, eff. 1-1-18.)

25 Section 15. The State Finance Act is amended by changing

1 6z-99 and by adding Sections 5.935 and 6z-124 as follows:

2 (30 ILCS 105/5.935 new)

3 Sec. 5.935. The State Police Revocation Enforcement Fund.

4 (30 ILCS 105/6z-99)

5 Sec. 6z-99. The Mental Health Reporting Fund.

6 (a) There is created in the State treasury a special fund
7 known as the Mental Health Reporting Fund. The Fund shall
8 receive revenue under the Firearm Concealed Carry Act. The
9 Fund may also receive revenue from grants, pass-through
10 grants, donations, appropriations, and any other legal source.

11 (b) The Department of State Police and Department of Human
12 Services shall coordinate to use moneys in the Fund to finance
13 their respective duties of collecting and reporting data on
14 mental health records and ensuring that mental health firearm
15 possession prohibitors are enforced as set forth under the
16 Firearm Concealed Carry Act and the Firearm Owners
17 Identification Card Act, including reporting prohibitors to
18 the National Instant Criminal Background Check System (NICS).
19 Any surplus in the Fund beyond what is necessary to ensure
20 compliance with mental health reporting under these Acts shall
21 be used by the Department of Human Services for mental health
22 treatment programs and by the State Board of Education for the
23 Safe Schools and Healthy Learning Environments Grant Program.

24 (c) Investment income that is attributable to the

1 investment of moneys in the Fund shall be retained in the Fund
2 for the uses specified in this Section.

3 (Source: P.A. 98-63, eff. 7-9-13; 98-756, eff. 7-16-14.)

4 (30 ILCS 105/6z-124 new)

5 Sec. 6z-124. State Police Revocation Enforcement Fund.

6 (a) The State Police Revocation Enforcement Fund is
7 established as a special fund in the State treasury. This Fund
8 is established to receive moneys from the Firearm Owners
9 Identification Card Act to enforce that Act, the Firearm
10 Concealed Carry Act, Article 24 of the Criminal Code of 2012,
11 and other firearm offenses. The Fund may also receive revenue
12 from grants, donations, appropriations, and any other legal
13 source.

14 (b) The Illinois State Police may use moneys from the Fund
15 to establish task forces and, if necessary, include other law
16 enforcement agencies, pursuant to intergovernmental contracts
17 written and executed in conformity with the Intergovernmental
18 Cooperation Act.

19 (c) The Illinois State Police may use moneys in the Fund to
20 hire and train State Police officers and prevention of violent
21 crime.

22 (d) The State Police Revocation Enforcement Fund is not
23 subject to administrative chargebacks.

24 (e) Law enforcement agencies that participate in Firearm
25 Owner's Identification Card revocation enforcement in the

1 Violent Crime Intelligence Task Force may apply for grants
2 from the Illinois State Police.

3 Section 20. The Firearm Owners Identification Card Act is
4 amended by changing Sections 1.1, 3.1, 4, 5, 6, 7, 8.2, 8.3,
5 9.5, 10, 11, and 13.2 and by adding Sections 6.2, 7.5, 8.4, and
6 13.4 as follows:

7 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

8 Sec. 1.1. For purposes of this Act:

9 "Addicted to narcotics" means a person who has been:

10 (1) convicted of an offense involving the use or
11 possession of cannabis, a controlled substance, or
12 methamphetamine within the past year; or

13 (2) determined by the Department of State Police to be
14 addicted to narcotics based upon federal law or federal
15 guidelines.

16 "Addicted to narcotics" does not include possession or use
17 of a prescribed controlled substance under the direction and
18 authority of a physician or other person authorized to
19 prescribe the controlled substance when the controlled
20 substance is used in the prescribed manner.

21 "Adjudicated as a person with a mental disability" means
22 the person is the subject of a determination by a court, board,
23 commission or other lawful authority that the person, as a
24 result of marked subnormal intelligence, or mental illness,

1 mental impairment, incompetency, condition, or disease:

2 (1) presents a clear and present danger to himself,
3 herself, or to others;

4 (2) lacks the mental capacity to manage his or her own
5 affairs or is adjudicated a person with a disability as
6 defined in Section 11a-2 of the Probate Act of 1975;

7 (3) is not guilty in a criminal case by reason of
8 insanity, mental disease or defect;

9 (3.5) is guilty but mentally ill, as provided in
10 Section 5-2-6 of the Unified Code of Corrections;

11 (4) is incompetent to stand trial in a criminal case;

12 (5) is not guilty by reason of lack of mental
13 responsibility under Articles 50a and 72b of the Uniform
14 Code of Military Justice, 10 U.S.C. 850a, 876b;

15 (6) is a sexually violent person under subsection (f)
16 of Section 5 of the Sexually Violent Persons Commitment
17 Act;

18 (7) is a sexually dangerous person under the Sexually
19 Dangerous Persons Act;

20 (8) is unfit to stand trial under the Juvenile Court
21 Act of 1987;

22 (9) is not guilty by reason of insanity under the
23 Juvenile Court Act of 1987;

24 (10) is subject to involuntary admission as an
25 inpatient as defined in Section 1-119 of the Mental Health
26 and Developmental Disabilities Code;

1 (11) is subject to involuntary admission as an
2 outpatient as defined in Section 1-119.1 of the Mental
3 Health and Developmental Disabilities Code;

4 (12) is subject to judicial admission as set forth in
5 Section 4-500 of the Mental Health and Developmental
6 Disabilities Code; or

7 (13) is subject to the provisions of the Interstate
8 Agreements on Sexually Dangerous Persons Act.

9 "Clear and present danger" means a person who:

10 (1) communicates a serious threat of physical violence
11 against a reasonably identifiable victim or poses a clear
12 and imminent risk of serious physical injury to himself,
13 herself, or another person as determined by a physician,
14 clinical psychologist, or qualified examiner; or

15 (2) demonstrates threatening physical or verbal
16 behavior, such as violent, suicidal, or assaultive
17 threats, actions, or other behavior, as determined by a
18 physician, clinical psychologist, qualified examiner,
19 school administrator, or law enforcement official.

20 "Clinical psychologist" has the meaning provided in
21 Section 1-103 of the Mental Health and Developmental
22 Disabilities Code.

23 "Controlled substance" means a controlled substance or
24 controlled substance analog as defined in the Illinois
25 Controlled Substances Act.

26 "Counterfeit" means to copy or imitate, without legal

1 authority, with intent to deceive.

2 "Federally licensed firearm dealer" means a person who is
3 licensed as a federal firearms dealer under Section 923 of the
4 federal Gun Control Act of 1968 (18 U.S.C. 923).

5 "Firearm" means any device, by whatever name known, which
6 is designed to expel a projectile or projectiles by the action
7 of an explosion, expansion of gas or escape of gas; excluding,
8 however:

9 (1) any pneumatic gun, spring gun, paint ball gun, or
10 B-B gun which expels a single globular projectile not
11 exceeding .18 inch in diameter or which has a maximum
12 muzzle velocity of less than 700 feet per second;

13 (1.1) any pneumatic gun, spring gun, paint ball gun,
14 or B-B gun which expels breakable paint balls containing
15 washable marking colors;

16 (2) any device used exclusively for signalling or
17 safety and required or recommended by the United States
18 Coast Guard or the Interstate Commerce Commission;

19 (3) any device used exclusively for the firing of stud
20 cartridges, explosive rivets or similar industrial
21 ammunition; and

22 (4) an antique firearm (other than a machine-gun)
23 which, although designed as a weapon, the Department of
24 State Police finds by reason of the date of its
25 manufacture, value, design, and other characteristics is
26 primarily a collector's item and is not likely to be used

1 as a weapon.

2 "Firearm ammunition" means any self-contained cartridge or
3 shotgun shell, by whatever name known, which is designed to be
4 used or adaptable to use in a firearm; excluding, however:

5 (1) any ammunition exclusively designed for use with a
6 device used exclusively for signalling or safety and
7 required or recommended by the United States Coast Guard
8 or the Interstate Commerce Commission; and

9 (2) any ammunition designed exclusively for use with a
10 stud or rivet driver or other similar industrial
11 ammunition.

12 "Gun show" means an event or function:

13 (1) at which the sale and transfer of firearms is the
14 regular and normal course of business and where 50 or more
15 firearms are displayed, offered, or exhibited for sale,
16 transfer, or exchange; or

17 (2) at which not less than 10 gun show vendors
18 display, offer, or exhibit for sale, sell, transfer, or
19 exchange firearms.

20 "Gun show" includes the entire premises provided for an
21 event or function, including parking areas for the event or
22 function, that is sponsored to facilitate the purchase, sale,
23 transfer, or exchange of firearms as described in this
24 Section. Nothing in this definition shall be construed to
25 exclude a gun show held in conjunction with competitive
26 shooting events at the World Shooting Complex sanctioned by a

1 national governing body in which the sale or transfer of
2 firearms is authorized under subparagraph (5) of paragraph (g)
3 of subsection (A) of Section 24-3 of the Criminal Code of 2012.

4 Unless otherwise expressly stated, "gun show" does not
5 include training or safety classes, competitive shooting
6 events, such as rifle, shotgun, or handgun matches, trap,
7 skeet, or sporting clays shoots, dinners, banquets, raffles,
8 or any other event where the sale or transfer of firearms is
9 not the primary course of business.

10 "Gun show promoter" means a person who organizes or
11 operates a gun show.

12 "Gun show vendor" means a person who exhibits, sells,
13 offers for sale, transfers, or exchanges any firearms at a gun
14 show, regardless of whether the person arranges with a gun
15 show promoter for a fixed location from which to exhibit,
16 sell, offer for sale, transfer, or exchange any firearm.

17 "Involuntarily admitted" has the meaning as prescribed in
18 Sections 1-119 and 1-119.1 of the Mental Health and
19 Developmental Disabilities Code.

20 "Mental health facility" means any licensed private
21 hospital or hospital affiliate, institution, or facility, or
22 part thereof, and any facility, or part thereof, operated by
23 the State or a political subdivision thereof which provide
24 treatment of persons with mental illness and includes all
25 hospitals, institutions, clinics, evaluation facilities,
26 mental health centers, colleges, universities, long-term care

1 facilities, and nursing homes, or parts thereof, which provide
2 treatment of persons with mental illness whether or not the
3 primary purpose is to provide treatment of persons with mental
4 illness.

5 "National governing body" means a group of persons who
6 adopt rules and formulate policy on behalf of a national
7 firearm sporting organization.

8 "Patient" means:

9 (1) a person who is admitted as an inpatient or
10 resident of a public or private mental health facility for
11 mental health treatment under Chapter III of the Mental
12 Health and Developmental Disabilities Code as an informal
13 admission, a voluntary admission, a minor admission, an
14 emergency admission, or an involuntary admission, unless
15 the treatment was solely for an alcohol abuse disorder; or

16 (2) a person who voluntarily or involuntarily receives
17 mental health treatment as an out-patient or is otherwise
18 provided services by a public or private mental health
19 facility, and who poses a clear and present danger to
20 himself, herself, or to others.

21 "Person with a developmental disability" means a person
22 with a disability which is attributable to any other condition
23 which results in impairment similar to that caused by an
24 intellectual disability and which requires services similar to
25 those required by persons with intellectual disabilities. The
26 disability must originate before the age of 18 years, be

1 expected to continue indefinitely, and constitute a
2 substantial disability. This disability results, in the
3 professional opinion of a physician, clinical psychologist, or
4 qualified examiner, in significant functional limitations in 3
5 or more of the following areas of major life activity:

- 6 (i) self-care;
7 (ii) receptive and expressive language;
8 (iii) learning;
9 (iv) mobility; or
10 (v) self-direction.

11 "Person with an intellectual disability" means a person
12 with a significantly subaverage general intellectual
13 functioning which exists concurrently with impairment in
14 adaptive behavior and which originates before the age of 18
15 years.

16 "Physician" has the meaning as defined in Section 1-120 of
17 the Mental Health and Developmental Disabilities Code.

18 "Protective order" means any orders of protection issued
19 under the Illinois Domestic Violence Act of 1986, stalking no
20 contact orders issued under the Stalking No Contact Order Act,
21 civil no contact orders issued under the Civil No Contact
22 Order Act, and firearms restraining orders issued under the
23 Firearms Restraining Order Act.

24 "Qualified examiner" has the meaning provided in Section
25 1-122 of the Mental Health and Developmental Disabilities
26 Code.

1 "Sanctioned competitive shooting event" means a shooting
2 contest officially recognized by a national or state shooting
3 sport association, and includes any sight-in or practice
4 conducted in conjunction with the event.

5 "School administrator" means the person required to report
6 under the School Administrator Reporting of Mental Health
7 Clear and Present Danger Determinations Law.

8 "Stun gun or taser" has the meaning ascribed to it in
9 Section 24-1 of the Criminal Code of 2012.

10 (Source: P.A. 99-29, eff. 7-10-15; 99-143, eff. 7-27-15;
11 99-642, eff. 7-28-16; 100-906, eff. 1-1-19.)

12 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

13 Sec. 3.1. Firearm Transfer Inquiry Program ~~Dial up system.~~

14 (a) The Department of State Police shall provide a dial up
15 telephone system or utilize other existing technology which
16 shall be used by any federally licensed firearm dealer, gun
17 show promoter, or gun show vendor who is to transfer a firearm,
18 stun gun, or taser under the provisions of this Act. The
19 Department of State Police may utilize existing technology
20 which allows the caller to be charged a fee not to exceed \$2.
21 Fees collected by the Department of State Police shall be
22 deposited in the State Police Services Fund and used to
23 provide the service.

24 (b) Upon receiving a request from a federally licensed
25 firearm dealer, gun show promoter, or gun show vendor, the

1 Department of State Police shall immediately approve, or
2 within the time period established by Section 24-3 of the
3 Criminal Code of 2012 regarding the delivery of firearms, stun
4 guns, and tasers notify the inquiring dealer, gun show
5 promoter, or gun show vendor of any objection that would
6 disqualify the transferee from acquiring or possessing a
7 firearm, stun gun, or taser. In conducting the inquiry, the
8 Department of State Police shall initiate and complete an
9 automated search of its criminal history record information
10 files and those of the Federal Bureau of Investigation,
11 including the National Instant Criminal Background Check
12 System, and of the files of the Department of Human Services
13 relating to mental health and developmental disabilities to
14 obtain any felony conviction or patient hospitalization
15 information which would disqualify a person from obtaining or
16 require revocation of a currently valid Firearm Owner's
17 Identification Card.

18 (b-5) The Illinois State Police shall by rule provide a
19 process for the automatic renewal of the Firearm Owner's
20 Identification Card of a person at the time of a inquiry in
21 subsection (b). Persons eligible for this process must have a
22 set of fingerprints on file with their application pursuant to
23 either subsection (a-25) of Section 4 or the Firearm Concealed
24 Carry Act.

25 (c) If receipt of a firearm would not violate Section 24-3
26 of the Criminal Code of 2012, federal law, or this Act the

1 Department of State Police shall:

2 (1) assign a unique identification number to the
3 transfer; and

4 (2) provide the licensee, gun show promoter, or gun
5 show vendor with the number.

6 (d) Approvals issued by the Department of State Police for
7 the purchase of a firearm are valid for 30 days from the date
8 of issue.

9 (e) (1) The Department of State Police must act as the
10 Illinois Point of Contact for the National Instant Criminal
11 Background Check System.

12 (2) The Department of State Police and the Department of
13 Human Services shall, in accordance with State and federal law
14 regarding confidentiality, enter into a memorandum of
15 understanding with the Federal Bureau of Investigation for the
16 purpose of implementing the National Instant Criminal
17 Background Check System in the State. The Department of State
18 Police shall report the name, date of birth, and physical
19 description of any person prohibited from possessing a firearm
20 pursuant to the Firearm Owners Identification Card Act or 18
21 U.S.C. 922(g) and (n) to the National Instant Criminal
22 Background Check System Index, Denied Persons Files.

23 (3) The Department of State Police shall provide notice of
24 the disqualification of a person under subsection (b) of this
25 Section or the revocation of a person's Firearm Owner's
26 Identification Card under Section 8 or Section 8.2 of this

1 Act, and the reason for the disqualification or revocation, to
2 all law enforcement agencies with jurisdiction to assist with
3 the seizure of the person's Firearm Owner's Identification
4 Card.

5 (f) The Department of State Police shall adopt rules not
6 inconsistent with this Section to implement this system.

7 (Source: P.A. 98-63, eff. 7-9-13; 99-787, eff. 1-1-17.)

8 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

9 Sec. 4. Application for Firearm Owner's Identification
10 Cards.

11 (a) Each applicant for a Firearm Owner's Identification
12 Card must:

13 (1) Make application on blank forms prepared and
14 furnished at convenient locations throughout the State by
15 the Department of State Police, or by electronic means, if
16 and when made available by the Department of State Police;
17 and

18 (2) Submit evidence to the Department of State Police
19 that:

20 (i) This subparagraph (i) applies through the
21 180th day following the effective date of this
22 amendatory Act of the 101st General Assembly. He or
23 she is 21 years of age or over, or if he or she is
24 under 21 years of age that he or she has the written
25 consent of his or her parent or legal guardian to

1 possess and acquire firearms and firearm ammunition
2 and that he or she has never been convicted of a
3 misdemeanor other than a traffic offense or adjudged
4 delinquent, provided, however, that such parent or
5 legal guardian is not an individual prohibited from
6 having a Firearm Owner's Identification Card and files
7 an affidavit with the Department as prescribed by the
8 Department stating that he or she is not an individual
9 prohibited from having a Card;

10 (i-5) This subparagraph (i-5) applies on and after
11 the 181st day following the effective date of this
12 amendatory Act of the 101st General Assembly. He or
13 she is 21 years of age or over, or if he or she is
14 under 21 years of age that he or she has never been
15 convicted of a misdemeanor other than a traffic
16 offense or adjudged delinquent and is an active duty
17 member of the United States Armed Forces or has the
18 written consent of his or her parent or legal guardian
19 to possess and acquire firearms and firearm
20 ammunition, provided, however, that such parent or
21 legal guardian is not an individual prohibited from
22 having a Firearm Owner's Identification Card and files
23 an affidavit with the Department as prescribed by the
24 Department stating that he or she is not an individual
25 prohibited from having a Card or the active duty
26 member of the United States Armed Forces under 21

1 years of age annually submits proof to the Department
2 of State Police, in a manner prescribed by the
3 Department;

4 (ii) He or she has not been convicted of a felony
5 under the laws of this or any other jurisdiction;

6 (iii) He or she is not addicted to narcotics;

7 (iv) He or she has not been a patient in a mental
8 health facility within the past 5 years or, if he or
9 she has been a patient in a mental health facility more
10 than 5 years ago submit the certification required
11 under subsection (u) of Section 8 of this Act;

12 (v) He or she is not a person with an intellectual
13 disability;

14 (vi) He or she is not an alien who is unlawfully
15 present in the United States under the laws of the
16 United States;

17 (vii) He or she is not subject to an existing order
18 of protection prohibiting him or her from possessing a
19 firearm;

20 (viii) He or she has not been convicted within the
21 past 5 years of battery, assault, aggravated assault,
22 violation of an order of protection, or a
23 substantially similar offense in another jurisdiction,
24 in which a firearm was used or possessed;

25 (ix) He or she has not been convicted of domestic
26 battery, aggravated domestic battery, or a

1 substantially similar offense in another jurisdiction
2 committed before, on or after January 1, 2012 (the
3 effective date of Public Act 97-158). If the applicant
4 knowingly and intelligently waives the right to have
5 an offense described in this clause (ix) tried by a
6 jury, and by guilty plea or otherwise, results in a
7 conviction for an offense in which a domestic
8 relationship is not a required element of the offense
9 but in which a determination of the applicability of
10 18 U.S.C. 922(g) (9) is made under Section 112A-11.1 of
11 the Code of Criminal Procedure of 1963, an entry by the
12 court of a judgment of conviction for that offense
13 shall be grounds for denying the issuance of a Firearm
14 Owner's Identification Card under this Section;

15 (x) (Blank);

16 (xi) He or she is not an alien who has been
17 admitted to the United States under a non-immigrant
18 visa (as that term is defined in Section 101(a) (26) of
19 the Immigration and Nationality Act (8 U.S.C.
20 1101(a) (26))), or that he or she is an alien who has
21 been lawfully admitted to the United States under a
22 non-immigrant visa if that alien is:

23 (1) admitted to the United States for lawful
24 hunting or sporting purposes;

25 (2) an official representative of a foreign
26 government who is:

1 (A) accredited to the United States
2 Government or the Government's mission to an
3 international organization having its
4 headquarters in the United States; or

5 (B) en route to or from another country to
6 which that alien is accredited;

7 (3) an official of a foreign government or
8 distinguished foreign visitor who has been so
9 designated by the Department of State;

10 (4) a foreign law enforcement officer of a
11 friendly foreign government entering the United
12 States on official business; or

13 (5) one who has received a waiver from the
14 Attorney General of the United States pursuant to
15 18 U.S.C. 922(y)(3);

16 (xii) He or she is not a minor subject to a
17 petition filed under Section 5-520 of the Juvenile
18 Court Act of 1987 alleging that the minor is a
19 delinquent minor for the commission of an offense that
20 if committed by an adult would be a felony;

21 (xiii) He or she is not an adult who had been
22 adjudicated a delinquent minor under the Juvenile
23 Court Act of 1987 for the commission of an offense that
24 if committed by an adult would be a felony;

25 (xiv) He or she is a resident of the State of
26 Illinois;

1 (xv) He or she has not been adjudicated as a person
2 with a mental disability;

3 (xvi) He or she has not been involuntarily
4 admitted into a mental health facility; and

5 (xvii) He or she is not a person with a
6 developmental disability; and

7 (3) Upon request by the Department of State Police,
8 sign a release on a form prescribed by the Department of
9 State Police waiving any right to confidentiality and
10 requesting the disclosure to the Department of State
11 Police of limited mental health institution admission
12 information from another state, the District of Columbia,
13 any other territory of the United States, or a foreign
14 nation concerning the applicant for the sole purpose of
15 determining whether the applicant is or was a patient in a
16 mental health institution and disqualified because of that
17 status from receiving a Firearm Owner's Identification
18 Card. No mental health care or treatment records may be
19 requested. The information received shall be destroyed
20 within one year of receipt.

21 (a-5) Each applicant for a Firearm Owner's Identification
22 Card who is over the age of 18 shall furnish to the Department
23 of State Police either his or her Illinois driver's license
24 number or Illinois Identification Card number, except as
25 provided in subsection (a-10).

26 (a-10) Each applicant for a Firearm Owner's Identification

1 Card, who is employed as a law enforcement officer, an armed
2 security officer in Illinois, or by the United States Military
3 permanently assigned in Illinois and who is not an Illinois
4 resident, shall furnish to the Department of State Police his
5 or her driver's license number or state identification card
6 number from his or her state of residence. The Department of
7 State Police may adopt rules to enforce the provisions of this
8 subsection (a-10).

9 (a-15) If an applicant applying for a Firearm Owner's
10 Identification Card moves from the residence address named in
11 the application, he or she shall immediately notify in a form
12 and manner prescribed by the Department of State Police of
13 that change of address.

14 (a-20) Each applicant for a Firearm Owner's Identification
15 Card shall furnish to the Department of State Police his or her
16 photograph. An applicant who is 21 years of age or older
17 seeking a religious exemption to the photograph requirement
18 must furnish with the application an approved copy of United
19 States Department of the Treasury Internal Revenue Service
20 Form 4029. In lieu of a photograph, an applicant regardless of
21 age seeking a religious exemption to the photograph
22 requirement shall submit fingerprints on a form and manner
23 prescribed by the Department with his or her application.

24 (a-25) Each applicant for the issuance of a Firearm
25 Owner's Identification Card may include a full set of his or
26 her fingerprints in electronic format to the Illinois State

1 Police, unless the applicant has previously provided a full
2 set of his or her fingerprints to the Illinois State Police
3 under this Act or the Firearm Concealed Carry Act.

4 The fingerprints must be transmitted through a live scan
5 fingerprint vendor licensed by the Department of Financial and
6 Professional Regulation. The fingerprints shall be checked
7 against the fingerprint records now and hereafter filed in the
8 Illinois State Police and Federal Bureau of Investigation
9 criminal history records databases, including all available
10 State and local criminal history record information files.

11 The Illinois State Police shall charge applicants a
12 one-time fee for conducting the criminal history record check,
13 which shall be deposited into the State Police Services Fund
14 and shall not exceed the actual cost of the State and national
15 criminal history record check.

16 (a-26) The Illinois State Police shall research, explore,
17 and report to the General Assembly by January 1, 2022 on the
18 feasibility of permitting voluntarily submitted fingerprints
19 obtained for purposes other than Firearm Owner's
20 Identification Card enforcement that are contained in the
21 Illinois State Police database for purposes of this Act.

22 (b) Each application form shall include the following
23 statement printed in bold type: "Warning: Entering false
24 information on an application for a Firearm Owner's
25 Identification Card is punishable as a Class 2 felony in
26 accordance with subsection (d-5) of Section 14 of the Firearm

1 Owners Identification Card Act.".

2 (c) Upon such written consent, pursuant to Section 4,
3 paragraph (a)(2)(i), the parent or legal guardian giving the
4 consent shall be liable for any damages resulting from the
5 applicant's use of firearms or firearm ammunition.

6 (Source: P.A. 101-80, eff. 7-12-19.)

7 (430 ILCS 65/5) (from Ch. 38, par. 83-5)

8 Sec. 5. Application and renewal.

9 (a) The Department of State Police shall either approve or
10 deny all applications within 30 days from the date they are
11 received, except as provided in subsections (b) and (c)
12 ~~subsection (b) of this Section~~, and every applicant found
13 qualified under Section 8 of this Act by the Department shall
14 be entitled to a Firearm Owner's Identification Card upon the
15 payment of a \$10 fee and applicable processing fees. The
16 processing fees shall be limited to charges by the State
17 Treasurer for using the electronic online payment system. Any
18 applicant who is an active duty member of the Armed Forces of
19 the United States, a member of the Illinois National Guard, or
20 a member of the Reserve Forces of the United States is exempt
21 from the application fee. \$5 of each fee derived from the
22 issuance of a Firearm Owner's Identification Card or renewals,
23 thereof, shall be deposited in the State Police Firearm
24 Services Fund and \$5 into the State Police Revocation
25 Enforcement Fund ~~\$6 of each fee derived from the issuance of~~

1 ~~Firearm Owner's Identification Cards, or renewals thereof,~~
2 ~~shall be deposited in the Wildlife and Fish Fund in the State~~
3 ~~Treasury; \$1 of the fee shall be deposited in the State Police~~
4 ~~Services Fund and \$3 of the fee shall be deposited in the State~~
5 ~~Police Firearm Services Fund.~~

6 (b) Renewal applications shall be approved or denied
7 within 60 business days, provided the applicant submitted his
8 or her renewal application prior to the expiration of his or
9 her Firearm Owner's Identification Card. If a renewal
10 application has been submitted prior to the expiration date of
11 the applicant's Firearm Owner's Identification Card, the
12 Firearm Owner's Identification Card shall remain valid while
13 the Department processes the application, unless the person is
14 subject to or becomes subject to revocation under this Act.
15 The cost for a renewal application shall be \$10 of which \$5 of
16 each fee derived from the issuance of a Firearm Owner's
17 Identification Card or renewals, thereof, shall be deposited
18 in the State Police Firearm Services Fund and \$5 into the State
19 Police Revocation Enforcement Fund ~~shall be deposited into the~~
20 ~~State Police Firearm Services Fund.~~

21 (c) If the Firearm Owner's Identification Card of a
22 licensee under the Firearm Concealed Carry Act expires during
23 the term of the licensee's concealed carry license, the
24 Firearm Owner's Identification Card and the license remain
25 valid and the licensee does not have to renew his or her
26 Firearm Owner's Identification Card during the duration of the

1 concealed carry license. Unless the Illinois State Police has
2 reason to believe the licensee is no longer eligible for the
3 card, the Illinois State Police may automatically renew the
4 licensee's Firearm Owner's Identification Card and send a
5 renewed Firearm Owner's Identification Card to the licensee.

6 (d) The Illinois State Police may adopt rules concerning
7 the use of voluntarily submitted fingerprints, as allowed by
8 State and federal law.

9 (Source: P.A. 100-906, eff. 1-1-19.)

10 (430 ILCS 65/6) (from Ch. 38, par. 83-6)

11 Sec. 6. Contents of Firearm Owner's Identification Card.

12 (a) A Firearm Owner's Identification Card, issued by the
13 Department of State Police at such places as the Director of
14 the Department shall specify, shall contain the applicant's
15 name, residence, date of birth, sex, physical description,
16 recent photograph, except as provided in subsection (c-5), and
17 signature. Each Firearm Owner's Identification Card must have
18 the Firearm Owner's Identification Card number ~~expiration date~~
19 boldly and conspicuously displayed on the face of the card.
20 Each Firearm Owner's Identification Card must have printed on
21 it the following: "CAUTION - This card does not permit bearer
22 to UNLAWFULLY carry or use firearms." Before December 1, 2002,
23 the Department may use a person's digital photograph and
24 signature from his or her Illinois driver's license or
25 Illinois Identification Card, if available. On and after

1 December 1, 2002, the Department shall use a person's digital
2 photograph and signature from his or her Illinois driver's
3 license or Illinois Identification Card, if available. The
4 Department shall decline to use a person's digital photograph
5 or signature if the digital photograph or signature is the
6 result of or associated with fraudulent or erroneous data,
7 unless otherwise provided by law.

8 (b) A person applying for a Firearm Owner's Identification
9 Card shall consent to the Department of State Police using the
10 applicant's digital driver's license or Illinois
11 Identification Card photograph, if available, and signature on
12 the applicant's Firearm Owner's Identification Card. The
13 Secretary of State shall allow the Department of State Police
14 access to the photograph and signature for the purpose of
15 identifying the applicant and issuing to the applicant a
16 Firearm Owner's Identification Card.

17 (c) The Secretary of State shall conduct a study to
18 determine the cost and feasibility of creating a method of
19 adding an identifiable code, background, or other means on the
20 driver's license or Illinois Identification Card to show that
21 an individual is not disqualified from owning or possessing a
22 firearm under State or federal law. The Secretary shall report
23 the findings of this study 12 months after the effective date
24 of this amendatory Act of the 92nd General Assembly.

25 (c-5) If a person qualifies for a photograph exemption, in
26 lieu of a photograph, the Firearm Owner's Identification Card

1 shall contain a copy of the card holder's fingerprints. Each
2 Firearm Owner's Identification Card described in this
3 subsection (c-5) must have printed on it the following: "This
4 card is only valid for firearm purchases through a federally
5 licensed firearms dealer when presented with photographic
6 identification, as prescribed by 18 U.S.C. 922(t)(1)(C)."

7 (Source: P.A. 97-1131, eff. 1-1-13.)

8 (430 ILCS 65/6.2 new)

9 Sec. 6.2. Electronic Firearm Owner's Identification Cards.

10 The Illinois State Police may develop a system under which the
11 holder of a Firearm Owner's Identification Card may display an
12 electronic version of his or her Firearm Owner's
13 Identification Card on a mobile telephone or other portable
14 electronic device. An electronic version of a Firearm Owner's
15 Identification Card shall contain security features the
16 Illinois State Police determines to be necessary to ensure
17 that the electronic version is accurate and current and shall
18 satisfy other requirements the Illinois State Police
19 determines to be necessary regarding form and content. The
20 display or possession of an electronic version of a valid
21 Firearm Owner's Identification Card in accordance with the
22 requirements of the Illinois State Police satisfies all
23 requirements for the display or possession of a valid Firearm
24 Owner's Identification Card under the laws of this State. The
25 possession or display of an electronic Firearm Owner's

1 Identification Card on a mobile telephone or other portable
2 electronic device does not constitute consent for a law
3 enforcement officer, court, or other officer of the court to
4 access other contents of the mobile telephone or other
5 portable electronic device. The Illinois State Police may
6 adopt rules to implement this Section.

7 (430 ILCS 65/7) (from Ch. 38, par. 83-7)

8 Sec. 7. Validity of Firearm Owner's Identification Card.

9 (a) Except as provided in Section 8 of this Act or
10 elsewhere in subsection (b) of this Section, a Firearm Owner's
11 Identification Card issued under the provisions of this Act
12 shall be valid for the person to whom it is issued for a period
13 of 10 years from the date of issuance. Unless the person no
14 longer meets the requirements or becomes subject to suspension
15 or revocation under this Act, a card issued pursuant to an
16 application made as provided in subsection (a-25) of Section 4
17 shall remain valid if the person meets the requirements of
18 subsection (b-5) of Section 3.1.

19 (b) If a renewal application is submitted to the
20 Department before the expiration date of the applicant's
21 current Firearm Owner's Identification Card, the Firearm
22 Owner's Identification Card shall remain valid ~~for a period of~~
23 ~~60 business days~~, unless the person is subject to or becomes
24 subject to revocation under this Act. Unless the person no
25 longer meets the requirements or becomes subject to suspension

1 or revocation under this Act, a card issued pursuant to a
2 renewal application made as provided in subsection (a-25) of
3 Section 4 shall remain valid if the person meets the
4 implementation requirements of Section 3.1.

5 (c) If the Firearm Owner's Identification Card of a
6 licensee under the Firearm Concealed Carry Act expires during
7 the term of the licensee's concealed carry license, the
8 Firearm Owner's Identification Card and the license remain
9 valid during the validity of the concealed carry license and
10 the licensee does not have to renew his or her Firearm Owner's
11 Identification Card, if the Firearm Owner's Identification
12 Card has not been otherwise renewed as provided in this Act.
13 Unless the Illinois State Police has reason to believe the
14 licensee is no longer eligible for the card, the Illinois
15 State Police may automatically renew the licensee's Firearm
16 Owner's Identification Card and send a renewed Firearm Owner's
17 Identification Card to the licensee.

18 (Source: P.A. 100-906, eff. 1-1-19.)

19 (430 ILCS 65/7.5 new)

20 Sec. 7.5. Email notifications. A person subject to this
21 Act may notify the Illinois State Police upon application or
22 at any time thereafter that he or she would like to receive
23 correspondence from the Department via email rather than by
24 mail. A person subject to this Act may notify the Illinois
25 State Police upon application or at any time thereafter that

1 he or she would like to receive correspondence from the
2 Illinois State Police via email rather than by mail.

3 (430 ILCS 65/8.2)

4 Sec. 8.2. Firearm Owner's Identification Card denial,
5 suspension, or revocation. The Department of State Police
6 shall deny an application or shall suspend or revoke and seize
7 a Firearm Owner's Identification Card previously issued under
8 this Act if the Department finds that the applicant or person
9 to whom such card was issued is or was at the time of issuance
10 subject to a protective order ~~an existing order of protection,~~
11 ~~or~~ firearms restraining order, stalking no contact order, or
12 civil no contact order. When the duration of the protective
13 order is expected to be less than one year, the Illinois State
14 Police shall suspend the Firearm Owner's Identification Card
15 pursuant to Section 8.3 of this Act and shall reinstate it upon
16 conclusion of the suspension if no other grounds for denial or
17 revocation are found pursuant to Section 8.

18 (Source: P.A. 100-607, eff. 1-1-19.)

19 (430 ILCS 65/8.3)

20 Sec. 8.3. Suspension of Firearm Owner's Identification
21 Card. The Department of State Police may suspend ~~, by rule in a~~
22 ~~manner consistent with the Department's rules concerning~~
23 ~~revocation, provide for the suspension of~~ the Firearm Owner's
24 Identification Card of a person whose Firearm Owner's

1 Identification Card is subject to revocation and seizure under
2 this Act for the duration of the disqualification if the
3 disqualification is not a permanent grounds for revocation of
4 a Firearm Owner's Identification Card under this Act. The
5 Illinois State Police may adopt rules necessary to implement
6 this Section.

7 (Source: P.A. 100-607, eff. 1-1-19; 100-906, eff. 1-1-19.)

8 (430 ILCS 65/8.4 new)

9 Sec. 8.4. Cancellation of Firearm Owner's Identification
10 Card. The Illinois State Police may cancel a Firearm Owner's
11 Identification Card if a person is not prohibited by State or
12 federal law from acquiring or possessing a firearm or firearm
13 ammunition and the sole purpose is for an administrative
14 reason. This includes, at the request of the Firearm Owner's
15 Identification Card holder, a person who surrenders his or her
16 Illinois driver's license or Illinois Identification Card to
17 another jurisdiction, or a person's Firearm Owner's
18 Identification Card is reported as lost, stolen, or destroyed.
19 The Illinois State Police may adopt rules necessary to
20 implement this Section.

21 (430 ILCS 65/9.5)

22 Sec. 9.5. Revocation of Firearm Owner's Identification
23 Card.

24 (a) A person who receives a revocation notice under

1 Section 9 of this Act shall, within 48 hours of receiving
2 notice of the revocation:

3 (1) surrender his or her Firearm Owner's
4 Identification Card to the local law enforcement agency
5 where the person resides or. ~~The local law enforcement~~
6 ~~agency shall provide the person a receipt and transmit the~~
7 ~~Firearm Owner's Identification Card~~ to the Department of
8 State Police; and

9 (2) complete a Firearm Disposition Record on a form
10 prescribed by the Department of State Police and place his
11 or her firearms in the location or with the person
12 reported in the Firearm Disposition Record. The form shall
13 require the person to disclose:

14 (A) the make, model, and serial number of each
15 firearm owned by or under the custody and control of
16 the revoked person;

17 (B) the location where each firearm will be
18 maintained during the prohibited term; ~~and~~

19 (C) if any firearm will be transferred to the
20 custody of another person, the name, address and
21 Firearm Owner's Identification Card number of the
22 transferee; and.

23 (D) to whom his or her Firearm Owner's
24 Identification Card was surrendered.

25 Once completed, the person shall retain a copy and
26 provide a copy of the Firearm Disposition Record to the

1 Illinois State Police.

2 (b) Surrendered Firearm Owner's Identification Cards shall
3 be destroyed by the law enforcement agency receiving the
4 cards. The local law enforcement agency shall provide a copy
5 of the Firearm Disposition Record to the person whose Firearm
6 Owner's Identification Card has been revoked and to the
7 Department of State Police.

8 (b-5) If a court orders the surrender of a Firearms
9 Owner's Identification Card and accepts receipt of the Card,
10 the court shall destroy the Card and direct the person whose
11 Firearm Owner's Identification Card has been surrendered to
12 comply with paragraph (2) of subsection (a).

13 (b-10) If the person whose Firearm Owner's Identification
14 Card has been revoked has either lost or destroyed the Card,
15 the person must still comply with paragraph (2) of subsection
16 (a).

17 (b-15) A notation shall be made in the portal created
18 under Section 2605-304 of the Department of State Police Law
19 of the Civil Administrative Code of Illinois that the revoked
20 Firearm Owner's Identification Card has been destroyed.

21 (c) If the person whose Firearm Owner's Identification
22 Card has been revoked fails to comply with the requirements of
23 this Section, the sheriff or law enforcement agency where the
24 person resides may petition the circuit court to issue a
25 warrant to search for and seize the Firearm Owner's
26 Identification Card and firearms in the possession or under

1 the custody or control of the person whose Firearm Owner's
2 Identification Card has been revoked.

3 (d) A violation of subsection (a) of this Section is a
4 Class A misdemeanor.

5 (e) The observation of a Firearm Owner's Identification
6 Card in the possession of a person whose Firearm Owner's
7 Identification Card has been revoked constitutes a sufficient
8 basis for the arrest of that person for violation of this
9 Section.

10 (f) Within 30 days after the effective date of this
11 amendatory Act of the 98th General Assembly, the Department of
12 State Police shall provide written notice of the requirements
13 of this Section to persons whose Firearm Owner's
14 Identification Cards have been revoked, suspended, or expired
15 and who have failed to surrender their cards to the
16 Department.

17 (g) A person whose Firearm Owner's Identification Card has
18 been revoked and who received notice under subsection (f)
19 shall comply with the requirements of this Section within 48
20 hours of receiving notice.

21 (Source: P.A. 98-63, eff. 7-9-13.)

22 (430 ILCS 65/10) (from Ch. 38, par. 83-10)

23 Sec. 10. Appeals ~~Appeal to director~~; hearing; relief from
24 firearm prohibitions.

25 (a) Whenever an application for a Firearm Owner's

1 Identification Card is denied, whenever the Illinois State
2 Police Department fails to act on an application within 30
3 days of its receipt, or whenever such a Card is revoked or
4 seized as provided for in Section 8 of this Act, the aggrieved
5 party may appeal to the Firearm Owner's Identification Card
6 Review Board ~~Director of State Police~~ for a hearing upon such
7 denial, revocation or seizure, unless the denial, revocation,
8 or seizure was based upon a forcible felony, stalking,
9 aggravated stalking, domestic battery, any violation of the
10 Illinois Controlled Substances Act, the Methamphetamine
11 Control and Community Protection Act, or the Cannabis Control
12 Act that is classified as a Class 2 or greater felony, any
13 felony violation of Article 24 of the Criminal Code of 1961 or
14 the Criminal Code of 2012, or any adjudication as a delinquent
15 minor for the commission of an offense that if committed by an
16 adult would be a felony, in which case the aggrieved party may
17 petition the circuit court in writing in the county of his or
18 her residence for a hearing upon such denial, revocation, or
19 seizure.

20 (a-5) There is created within the Illinois State Police a
21 Firearm Owner's Identification Card Review Board to consider
22 any appeal under subsection (a), other than an appeal directed
23 to the circuit court.

24 (1) The Board shall consist of 7 members appointed by
25 the Governor, with the advice and consent of the Senate,
26 with 3 members residing within the First Judicial District

1 and one member residing within each of the 4 remaining
2 Judicial Districts. No more than 4 members shall be
3 members of the same political party. The Governor shall
4 designate one member as the chairperson. The Board shall
5 consist of:

6 (A) one member with at least 5 years of service as
7 a federal or State judge;

8 (B) two members with at least 5 years of
9 experience serving as an attorney with the United
10 States Department of Justice, or as a State's Attorney
11 or Assistant State's Attorney;

12 (C) three members with at least 5 years of
13 experience as a federal, State, or local law
14 enforcement agent or as an employee with investigative
15 experience or duties related to criminal justice under
16 the United States Department of Justice, Drug
17 Enforcement Administration, Department of Homeland
18 Security, Federal Bureau of Investigation, or a State
19 or local law enforcement agency; and

20 (D) one member with at least 5 years of experience
21 as a licensed physician or clinical psychologist with
22 expertise in the diagnosis and treatment of mental
23 illness.

24 (2) The terms of the members initially appointed after
25 the effective date of this amendatory Act of the 102nd
26 General Assembly shall be as follows: one of the initial

1 members shall be appointed for a term of one year, 3 shall
2 be appointed for terms of 2 years, and 3 shall be appointed
3 for terms of 4 years. Thereafter, members shall hold
4 office for 4 years, with terms expiring on the second
5 Monday in January immediately following the expiration of
6 their terms and every 4 years thereafter. Members may be
7 reappointed. Vacancies in the office of member shall be
8 filled in the same manner as the original appointment, for
9 the remainder of the unexpired term. The Governor may
10 remove a member for incompetence, neglect of duty,
11 malfeasance, or inability to serve. Members shall receive
12 compensation in an amount equal to the compensation of
13 members of the Executive Ethics Commission and may be
14 reimbursed, from funds appropriated for such a purpose,
15 for reasonable expenses actually incurred in the
16 performance of their Board duties. The Illinois State
17 Police shall designate an employee to serve as Executive
18 Director of the Board and provide logistical and
19 administrative assistance to the Board.

20 (3) The Board shall meet at least quarterly each year
21 and at the call of the chairperson as often as necessary to
22 consider appeals of decisions made with respect to
23 applications for a Firearm Owner's Identification Card
24 under this Act. If necessary to ensure the participation
25 of a member, the Board shall allow a member to participate
26 in a Board meeting by electronic communication. Any member

1 participating electronically shall be deemed present for
2 purposes of establishing a quorum and voting.

3 (4) The Board shall adopt rules for the review of
4 appeals and the conduct of hearings. The Board shall
5 maintain a record of its decisions and all materials
6 considered in making its decisions. All Board decisions
7 and voting records shall be kept confidential and all
8 materials considered by the Board shall be exempt from
9 inspection except upon order of a court.

10 (5) In considering an appeal, the Board shall review
11 the materials received concerning the denial, suspension,
12 or revocation by the Illinois State Police. By a vote of at
13 least 4 members, the Board may request additional
14 information from the Illinois State Police or the
15 applicant or the testimony of the Illinois State Police or
16 the applicant. The Board may require that the applicant
17 submit electronic fingerprints to the Illinois State
18 Police for an updated background check if the Board
19 determines it lacks sufficient information to determine
20 eligibility. The Board may consider information submitted
21 by the Illinois State Police, a law enforcement agency, or
22 the applicant. The Board shall review each denial,
23 suspension, or revocation and determine by a majority of
24 members whether an applicant is eligible for a Firearm
25 Owner's Identification Card.

26 (6) The Board shall issue a decision within 45

1 business days of receiving all completed appeal documents
2 from the Illinois State Police and the applicant. However,
3 the Board need not issue a decision within 45 business
4 days if:

5 (A) the Board requests information from the
6 applicant, including, but not limited to, electronic
7 fingerprints to be submitted to the Illinois State
8 Police, in accordance with paragraph (5) of this
9 subsection, in which case the Board shall make a
10 decision within 30 days of receipt of the required
11 information from the applicant;

12 (B) the applicant agrees, in writing, to allow the
13 Board additional time to consider an appeal; or

14 (C) the Board notifies the applicant and the
15 Illinois State Police that the Board needs an
16 additional 30 days to issue a decision.

17 (7) If the Board determines by a preponderance of the
18 evidence that the applicant fails to meet the eligibility
19 requirements or is a prohibited person under State or
20 federal law, poses a danger to himself or herself or
21 others, or is a threat to public safety, then the Board
22 shall affirm the denial, suspension, or revocation and
23 shall notify the applicant and the Illinois State Police
24 that the applicant is ineligible for a Firearm Owner's
25 Identification Card. If the Board does not determine by a
26 preponderance of the evidence that the applicant fails to

1 meet the eligibility requirements or is a prohibited
2 person under State or federal law, poses a danger to
3 himself or herself or others, or is a threat to public
4 safety, then the Board shall notify the applicant and the
5 Illinois State Police that the applicant is eligible for a
6 Firearm Owner's Identification Card.

7 (8) Meetings of the Board shall not be subject to the
8 Open Meetings Act and records of the Board shall not be
9 subject to the Freedom of Information Act.

10 (9) The Board shall report monthly to the Governor and
11 the General Assembly on the number of appeals received and
12 provide details of the circumstances in which the Board
13 has determined to deny Firearm Owner's Identification
14 Cards under this subsection (a-5). The report shall not
15 contain any identifying information about the applicants.

16 (b) At least 30 days before any hearing in the circuit
17 court, the petitioner shall serve the relevant State's
18 Attorney with a copy of the petition. The State's Attorney may
19 object to the petition and present evidence. At the hearing,
20 the court shall determine whether substantial justice has been
21 done. Should the court determine that substantial justice has
22 not been done, the court shall issue an order directing the
23 Illinois Department of State Police to issue a Card. However,
24 the court shall not issue the order if the petitioner is
25 otherwise prohibited from obtaining, possessing, or using a
26 firearm under federal law.

1 (c) Any person prohibited from possessing a firearm under
2 Sections 24-1.1 or 24-3.1 of the Criminal Code of 2012 or
3 acquiring a Firearm Owner's Identification Card under Section
4 8 of this Act may apply to the Firearm Owner's Identification
5 Card Review Board ~~Director of State Police~~ or petition the
6 circuit court in the county where the petitioner resides,
7 whichever is applicable in accordance with subsection (a) of
8 this Section, requesting relief from such prohibition and the
9 Board ~~Director~~ or court may grant such relief if it is
10 established by the applicant to the court's or the Board's
11 ~~Director's~~ satisfaction that:

12 (0.05) when in the circuit court, the State's Attorney
13 has been served with a written copy of the petition at
14 least 30 days before any such hearing in the circuit court
15 and at the hearing the State's Attorney was afforded an
16 opportunity to present evidence and object to the
17 petition;

18 (1) the applicant has not been convicted of a forcible
19 felony under the laws of this State or any other
20 jurisdiction within 20 years of the applicant's
21 application for a Firearm Owner's Identification Card, or
22 at least 20 years have passed since the end of any period
23 of imprisonment imposed in relation to that conviction;

24 (2) the circumstances regarding a criminal conviction,
25 where applicable, the applicant's criminal history and his
26 reputation are such that the applicant will not be likely

1 to act in a manner dangerous to public safety;

2 (3) granting relief would not be contrary to the
3 public interest; and

4 (4) granting relief would not be contrary to federal
5 law.

6 (c-5) (1) An active law enforcement officer employed by a
7 unit of government, who is denied, revoked, or has his or her
8 Firearm Owner's Identification Card seized under subsection
9 (e) of Section 8 of this Act may apply to the Firearm Owner's
10 Identification Card Review Board ~~Director of State Police~~
11 requesting relief if the officer did not act in a manner
12 threatening to the officer, another person, or the public as
13 determined by the treating clinical psychologist or physician,
14 and as a result of his or her work is referred by the employer
15 for or voluntarily seeks mental health evaluation or treatment
16 by a licensed clinical psychologist, psychiatrist, or
17 qualified examiner, and:

18 (A) the officer has not received treatment
19 involuntarily at a mental health facility, regardless of
20 the length of admission; or has not been voluntarily
21 admitted to a mental health facility for more than 30 days
22 and not for more than one incident within the past 5 years;
23 and

24 (B) the officer has not left the mental institution
25 against medical advice.

26 (2) The Firearm Owner's Identification Card Review Board

1 ~~Director of State Police~~ shall grant expedited relief to
2 active law enforcement officers described in paragraph (1) of
3 this subsection (c-5) upon a determination by the Board
4 ~~Director~~ that the officer's possession of a firearm does not
5 present a threat to themselves, others, or public safety. The
6 Board ~~Director~~ shall act on the request for relief within 30
7 business days of receipt of:

8 (A) a notarized statement from the officer in the form
9 prescribed by the Board ~~Director~~ detailing the
10 circumstances that led to the hospitalization;

11 (B) all documentation regarding the admission,
12 evaluation, treatment and discharge from the treating
13 licensed clinical psychologist or psychiatrist of the
14 officer;

15 (C) a psychological fitness for duty evaluation of the
16 person completed after the time of discharge; and

17 (D) written confirmation in the form prescribed by the
18 Board ~~Director~~ from the treating licensed clinical
19 psychologist or psychiatrist that the provisions set forth
20 in paragraph (1) of this subsection (c-5) have been met,
21 the person successfully completed treatment, and their
22 professional opinion regarding the person's ability to
23 possess firearms.

24 (3) Officers eligible for the expedited relief in
25 paragraph (2) of this subsection (c-5) have the burden of
26 proof on eligibility and must provide all information

1 required. The Board ~~Director~~ may not consider granting
2 expedited relief until the proof and information is received.

3 (4) "Clinical psychologist", "psychiatrist", and
4 "qualified examiner" shall have the same meaning as provided
5 in Chapter I of the Mental Health and Developmental
6 Disabilities Code.

7 (c-10) (1) An applicant, who is denied, revoked, or has
8 his or her Firearm Owner's Identification Card seized under
9 subsection (e) of Section 8 of this Act based upon a
10 determination of a developmental disability or an intellectual
11 disability may apply to the Firearm Owner's Identification
12 Card Review Board ~~Director of State Police~~ requesting relief.

13 (2) The Board ~~Director~~ shall act on the request for relief
14 within 60 business days of receipt of written certification,
15 in the form prescribed by the Board ~~Director~~, from a physician
16 or clinical psychologist, or qualified examiner, that the
17 aggrieved party's developmental disability or intellectual
18 disability condition is determined by a physician, clinical
19 psychologist, or qualified to be mild. If a fact-finding
20 conference is scheduled to obtain additional information
21 concerning the circumstances of the denial or revocation, the
22 60 business days the Director has to act shall be tolled until
23 the completion of the fact-finding conference.

24 (3) The Board ~~Director~~ may grant relief if the aggrieved
25 party's developmental disability or intellectual disability is
26 mild as determined by a physician, clinical psychologist, or

1 qualified examiner and it is established by the applicant to
2 the Board's ~~Director's~~ satisfaction that:

3 (A) granting relief would not be contrary to the
4 public interest; and

5 (B) granting relief would not be contrary to federal
6 law.

7 (4) The Board ~~Director~~ may not grant relief if the
8 condition is determined by a physician, clinical psychologist,
9 or qualified examiner to be moderate, severe, or profound.

10 (5) The changes made to this Section by Public Act 99-29
11 ~~this amendatory Act of the 99th General Assembly~~ apply to
12 requests for relief pending on or before July 10, 2015 (the
13 effective date of Public Act 99-29) ~~this amendatory Act~~,
14 except that the 60-day period for the Director to act on
15 requests pending before the effective date shall begin on July
16 10, 2015 (the effective date of Public Act 99-29) ~~this~~
17 ~~amendatory Act~~.

18 (d) When a minor is adjudicated delinquent for an offense
19 which if committed by an adult would be a felony, the court
20 shall notify the Illinois ~~Department of~~ State Police.

21 (e) The court shall review the denial of an application or
22 the revocation of a Firearm Owner's Identification Card of a
23 person who has been adjudicated delinquent for an offense that
24 if committed by an adult would be a felony if an application
25 for relief has been filed at least 10 years after the
26 adjudication of delinquency and the court determines that the

1 applicant should be granted relief from disability to obtain a
2 Firearm Owner's Identification Card. If the court grants
3 relief, the court shall notify the Illinois ~~Department of~~
4 State Police that the disability has been removed and that the
5 applicant is eligible to obtain a Firearm Owner's
6 Identification Card.

7 (f) Any person who is subject to the disabilities of 18
8 U.S.C. 922(d)(4) and 922(g)(4) of the federal Gun Control Act
9 of 1968 because of an adjudication or commitment that occurred
10 under the laws of this State or who was determined to be
11 subject to the provisions of subsections (e), (f), or (g) of
12 Section 8 of this Act may apply to the Illinois ~~Department of~~
13 State Police requesting relief from that prohibition. The
14 Board ~~Director~~ shall grant the relief if it is established by a
15 preponderance of the evidence that the person will not be
16 likely to act in a manner dangerous to public safety and that
17 granting relief would not be contrary to the public interest.
18 In making this determination, the Board ~~Director~~ shall receive
19 evidence concerning (i) the circumstances regarding the
20 firearms disabilities from which relief is sought; (ii) the
21 petitioner's mental health and criminal history records, if
22 any; (iii) the petitioner's reputation, developed at a minimum
23 through character witness statements, testimony, or other
24 character evidence; and (iv) changes in the petitioner's
25 condition or circumstances since the disqualifying events
26 relevant to the relief sought. If relief is granted under this

1 subsection or by order of a court under this Section, the
2 Director shall as soon as practicable but in no case later than
3 15 business days, update, correct, modify, or remove the
4 person's record in any database that the Illinois Department
5 ~~of~~ State Police makes available to the National Instant
6 Criminal Background Check System and notify the United States
7 Attorney General that the basis for the record being made
8 available no longer applies. The Illinois Department~~of~~ State
9 Police shall adopt rules for the administration of this
10 Section.

11 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15; 99-78,
12 eff. 7-20-15.)

13 (430 ILCS 65/11) (from Ch. 38, par. 83-11)

14 Sec. 11. Judicial review of final administrative
15 decisions.

16 (a) All final administrative decisions of the Firearm
17 Owner's Identification Card Review Board ~~Department~~ under this
18 Act, except final administrative decisions of the Firearm
19 Owner's Identification Card Review Board ~~Director of State~~
20 ~~Police~~ to deny a person's application for relief under
21 subsection (f) of Section 10 of this Act, shall be subject to
22 judicial review under the provisions of the Administrative
23 Review Law, and all amendments and modifications thereof, and
24 the rules adopted pursuant thereto. The term "administrative
25 decision" is defined as in Section 3-101 of the Code of Civil

1 Procedure.

2 (b) Any final administrative decision by the Firearm
3 Owner's Identification Card Review Board ~~Director of State~~
4 ~~Police~~ to deny a person's application for relief under
5 subsection (f) of Section 10 of this Act is subject to de novo
6 judicial review by the circuit court, and any party may offer
7 evidence that is otherwise proper and admissible without
8 regard to whether that evidence is part of the administrative
9 record.

10 (c) The Firearm Owner's Identification Card Review Board
11 ~~Director of State Police~~ shall submit a report to the General
12 Assembly on March 1 of each year, beginning March 1, 1991,
13 listing all final decisions by a court of this State
14 upholding, reversing, or reversing in part any administrative
15 decision made by the Department of State Police.

16 (Source: P.A. 97-1131, eff. 1-1-13.)

17 (430 ILCS 65/13.2) (from Ch. 38, par. 83-13.2)

18 Sec. 13.2. Renewal; name, photograph, or address change;
19 replacement card. The Department of State Police shall, 60
20 days prior to the expiration of a Firearm Owner's
21 Identification Card, forward by first class mail to each
22 person whose card is to expire a notification of the
23 expiration of the card and instructions for renewal. It is the
24 obligation of the holder of a Firearm Owner's Identification
25 Card to notify the Department of State Police of any address

1 change since the issuance of the Firearm Owner's
2 Identification Card. The Illinois State Police may update the
3 applicant and card holders address based upon records in the
4 Secretary of State Driver's License or Illinois Identification
5 Card records of applicants who do not have driver's licenses.
6 ~~Whenever any person moves from the residence address named on~~
7 ~~his or her card, the person shall within 21 calendar days~~
8 ~~thereafter notify in a form and manner prescribed by the~~
9 ~~Department of his or her old and new residence addresses and~~
10 ~~the card number held by him or her.~~ Any person whose legal name
11 has changed from the name on the card that he or she has been
12 previously issued must apply for a corrected card within 30
13 calendar days after the change. The cost for an updated or a
14 corrected card shall be \$5. The cost for replacement of a card
15 which has been lost, destroyed, or stolen shall be \$5 if the
16 loss, destruction, or theft of the card is reported to the
17 Department of State Police. The fees collected under this
18 Section shall be deposited into the State Police Firearm
19 Services Fund.

20 (Source: P.A. 100-906, eff. 1-1-19.)

21 (430 ILCS 65/13.4 new)

22 Sec. 13.4. Illinois State Police; rule making authority.
23 The Illinois State Police shall by rule adopt the following
24 procedures:

25 (1) When a person who possesses a valid Firearm Owner's

1 Identification Card applies for and is approved for a
2 concealed carry license, the valid Firearm Owner's
3 Identification Card is renewed for 10 years from the time of
4 approval instead of 10 years from the date of the original
5 card.

6 (2) If a person is eligible for both a Firearm Owner's
7 Identification Card and a concealed carry license, the
8 Illinois State Police shall by rule create one card that may be
9 used as both a Firearm Owner's Identification Card and a
10 concealed carry license. A combined Firearm Owner's
11 Identification Card and concealed carry license shall be
12 considered a valid card for the purposes of this Act. The
13 Illinois State Police shall adopt rules to implement this
14 Section.

15 (3) The Illinois State Police may waive the Firearm
16 Owner's Identification Card application fee for the purposes
17 of paragraphs (1) and (2).

18 Section 25. The Firearm Concealed Carry Act is amended by
19 changing Sections 20, 30 and 70 and by adding Sections 10.5 and
20 10.6 as follows:

21 (430 ILCS 66/10.5 new)

22 Sec. 10.5. Electronic concealed carry licenses. The
23 Illinois State Police may develop a system under which the
24 holder of a concealed carry license may display an electronic

1 version of his or her license on a mobile telephone or other
2 portable electronic device. An electronic version of a
3 concealed carry license shall contain security features the
4 Illinois State Police determines to be necessary to ensure
5 that the electronic version is accurate and current and shall
6 satisfy other requirements the Illinois State Police
7 determines to be necessary regarding form and content. The
8 display or possession of an electronic version of a valid
9 concealed carry license in accordance with the requirements of
10 the Illinois State Police satisfies all requirements for the
11 display or possession of a valid concealed carry license under
12 the laws of this State. The possession or display of an
13 electronic concealed carry license on a mobile telephone or
14 other portable electronic device does not constitute consent
15 for a law enforcement officer, court, or other officer of the
16 court to access other contents of the mobile telephone or
17 other portable electronic device. The Illinois State Police
18 may adopt rules to implement this Section.

19 (430 ILCS 66/10.6 new)

20 Sec. 10.6. Email notifications. A person subject to this
21 Act may notify the Illinois State Police upon application or
22 at any time thereafter that he or she would like to receive
23 correspondence from the Illinois State Police via email rather
24 than by mail.

1 (430 ILCS 66/20)

2 Sec. 20. Concealed Carry Licensing Review Board.

3 (a) There is hereby created within the Department of State
4 Police a Concealed Carry Licensing Review Board to consider
5 any objection to an applicant's eligibility to obtain a
6 license under this Act submitted by a law enforcement agency
7 or the Department under Section 15 of this Act. The Board shall
8 consist of 7 commissioners to be appointed by the Governor,
9 with the advice and consent of the Senate, with 3
10 commissioners residing within the First Judicial District and
11 one commissioner residing within each of the 4 remaining
12 Judicial Districts. No more than 4 commissioners shall be
13 members of the same political party. The Governor shall
14 designate one commissioner as the Chairperson. The Board shall
15 consist of:

16 (1) one commissioner with at least 5 years of service
17 as a federal judge;

18 (2) 2 commissioners with at least 5 years of
19 experience serving as an attorney with the United States
20 Department of Justice;

21 (3) 3 commissioners with at least 5 years of
22 experience as a federal agent or employee with
23 investigative experience or duties related to criminal
24 justice under the United States Department of Justice,
25 Drug Enforcement Administration, Department of Homeland
26 Security, or Federal Bureau of Investigation; and

1 (4) one member with at least 5 years of experience as a
2 licensed physician or clinical psychologist with expertise
3 in the diagnosis and treatment of mental illness.

4 (b) The initial terms of the commissioners shall end on
5 January 12, 2015. Notwithstanding any provision in this
6 Section to the contrary, the term of office of each
7 commissioner of the Concealed Carry Licensing Review Board is
8 abolished on the effective date of this amendatory Act of the
9 102nd General Assembly. The terms of the commissioners
10 appointed on or after the effective date of this amendatory
11 Act of the 102nd General Assembly shall be as follows: one of
12 the initial members shall be appointed for a term of one year,
13 3 shall be appointed for terms of 2 years, and 3 shall be
14 appointed for terms of 4 years. Thereafter, the commissioners
15 shall hold office for 4 years, with terms expiring on the
16 second Monday in January of the fourth year. Commissioners may
17 be reappointed. Vacancies in the office of commissioner shall
18 be filled in the same manner as the original appointment, for
19 the remainder of the unexpired term. The Governor may remove a
20 commissioner for incompetence, neglect of duty, malfeasance,
21 or inability to serve. Commissioners shall receive
22 compensation in an amount equal to the compensation of members
23 of the Executive Ethics Commission and may be reimbursed for
24 reasonable expenses actually incurred in the performance of
25 their Board duties, from funds appropriated for that purpose.

26 (c) The Board shall meet at the call of the chairperson as

1 often as necessary to consider objections to applications for
2 a license under this Act. If necessary to ensure the
3 participation of a commissioner, the Board shall allow a
4 commissioner to participate in a Board meeting by electronic
5 communication. Any commissioner participating electronically
6 shall be deemed present for purposes of establishing a quorum
7 and voting.

8 (d) The Board shall adopt rules for the review of
9 objections and the conduct of hearings. The Board shall
10 maintain a record of its decisions and all materials
11 considered in making its decisions. All Board decisions and
12 voting records shall be kept confidential and all materials
13 considered by the Board shall be exempt from inspection except
14 upon order of a court.

15 (e) In considering an objection of a law enforcement
16 agency or the Department, the Board shall review the materials
17 received with the objection from the law enforcement agency or
18 the Department. By a vote of at least 4 commissioners, the
19 Board may request additional information from the law
20 enforcement agency, Department, or the applicant, or the
21 testimony of the law enforcement agency, Department, or the
22 applicant. The Board may require that the applicant submit
23 electronic fingerprints to the Department for an updated
24 background check where the Board determines it lacks
25 sufficient information to determine eligibility. The Board may
26 only consider information submitted by the Department, a law

1 enforcement agency, or the applicant. The Board shall review
2 each objection and determine by a majority of commissioners
3 whether an applicant is eligible for a license.

4 (f) The Board shall issue a decision within 30 days of
5 receipt of the objection from the Department. However, the
6 Board need not issue a decision within 30 days if:

7 (1) the Board requests information from the applicant,
8 including but not limited to electronic fingerprints to be
9 submitted to the Department, in accordance with subsection
10 (e) of this Section, in which case the Board shall make a
11 decision within 30 days of receipt of the required
12 information from the applicant;

13 (2) the applicant agrees, in writing, to allow the
14 Board additional time to consider an objection; or

15 (3) the Board notifies the applicant and the
16 Department that the Board needs an additional 30 days to
17 issue a decision.

18 (g) If the Board determines by a preponderance of the
19 evidence that the applicant poses a danger to himself or
20 herself or others, or is a threat to public safety, then the
21 Board shall affirm the objection of the law enforcement agency
22 or the Department and shall notify the Department that the
23 applicant is ineligible for a license. If the Board does not
24 determine by a preponderance of the evidence that the
25 applicant poses a danger to himself or herself or others, or is
26 a threat to public safety, then the Board shall notify the

1 Department that the applicant is eligible for a license.

2 (h) Meetings of the Board shall not be subject to the Open
3 Meetings Act and records of the Board shall not be subject to
4 the Freedom of Information Act.

5 (i) The Board shall report monthly to the Governor and the
6 General Assembly on the number of objections received and
7 provide details of the circumstances in which the Board has
8 determined to deny licensure based on law enforcement or
9 Department objections under Section 15 of this Act. The report
10 shall not contain any identifying information about the
11 applicants.

12 (Source: P.A. 98-63, eff. 7-9-13; 98-600, eff. 12-6-13.)

13 (430 ILCS 66/30)

14 Sec. 30. Contents of license application.

15 (a) The license application shall be in writing, under
16 penalty of perjury, on a standard form adopted by the
17 Department and shall be accompanied by the documentation
18 required in this Section and the applicable fee. Each
19 application form shall include the following statement printed
20 in bold type: "Warning: Entering false information on this
21 form is punishable as perjury under Section 32-2 of the
22 Criminal Code of 2012."

23 (b) The application shall contain the following:

24 (1) the applicant's name, current address, date and
25 year of birth, place of birth, height, weight, hair color,

1 eye color, maiden name or any other name the applicant has
2 used or identified with, and any address where the
3 applicant resided for more than 30 days within the 10
4 years preceding the date of the license application;

5 (2) the applicant's valid driver's license number or
6 valid state identification card number;

7 (3) a waiver of the applicant's privacy and
8 confidentiality rights and privileges under all federal
9 and state laws, including those limiting access to
10 juvenile court, criminal justice, psychological, or
11 psychiatric records or records relating to any
12 institutionalization of the applicant, and an affirmative
13 request that a person having custody of any of these
14 records provide it or information concerning it to the
15 Department. The waiver only applies to records sought in
16 connection with determining whether the applicant
17 qualifies for a license to carry a concealed firearm under
18 this Act, or whether the applicant remains in compliance
19 with the Firearm Owners Identification Card Act;

20 (4) an affirmation that the applicant possesses a
21 currently valid Firearm Owner's Identification Card and
22 card number if possessed or notice the applicant is
23 applying for a Firearm Owner's Identification Card in
24 conjunction with the license application;

25 (5) an affirmation that the applicant has not been
26 convicted or found guilty of:

1 (A) a felony;

2 (B) a misdemeanor involving the use or threat of
3 physical force or violence to any person within the 5
4 years preceding the date of the application; or

5 (C) 2 or more violations related to driving while
6 under the influence of alcohol, other drug or drugs,
7 intoxicating compound or compounds, or any combination
8 thereof, within the 5 years preceding the date of the
9 license application; and

10 (6) whether the applicant has failed a drug test for a
11 drug for which the applicant did not have a prescription,
12 within the previous year, and if so, the provider of the
13 test, the specific substance involved, and the date of the
14 test;

15 (7) written consent for the Department to review and
16 use the applicant's Illinois digital driver's license or
17 Illinois identification card photograph and signature;

18 (8) unless submitted under subsection (a-25) of
19 Section 4 of the Firearm Owner's Identification Card Act,
20 a full set of fingerprints submitted to the Department in
21 electronic format, provided the Department may accept an
22 application submitted without a set of fingerprints in
23 which case the Department shall be granted 30 days in
24 addition to the 90 days provided under subsection (e) of
25 Section 10 of this Act to issue or deny a license;

26 (9) a head and shoulder color photograph in a size

1 specified by the Department taken within the 30 days
2 preceding the date of the license application; and

3 (10) a photocopy of any certificates or other evidence
4 of compliance with the training requirements under this
5 Act.

6 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15.)

7 (430 ILCS 66/70)

8 Sec. 70. Violations.

9 (a) A license issued or renewed under this Act shall be
10 revoked if, at any time, the licensee is found to be ineligible
11 for a license under this Act or the licensee no longer meets
12 the eligibility requirements of the Firearm Owners
13 Identification Card Act.

14 (b) A license shall be suspended if an order of
15 protection, including an emergency order of protection,
16 plenary order of protection, or interim order of protection
17 under Article 112A of the Code of Criminal Procedure of 1963 or
18 under the Illinois Domestic Violence Act of 1986, or if a
19 firearms restraining order, including an emergency firearms
20 restraining order, under the Firearms Restraining Order Act,
21 is issued against a licensee for the duration of the order, or
22 if the Department is made aware of a similar order issued
23 against the licensee in any other jurisdiction. If an order of
24 protection is issued against a licensee, the licensee shall
25 surrender the license, as applicable, to the court at the time

1 the order is entered or to the law enforcement agency or entity
2 serving process at the time the licensee is served the order.
3 The court, law enforcement agency, or entity responsible for
4 serving the order of protection shall notify the Department
5 within 7 days and transmit the license to the Department.

6 (c) A license is invalid upon expiration of the license,
7 unless the licensee has submitted an application to renew the
8 license, and the applicant is otherwise eligible to possess a
9 license under this Act.

10 (d) A licensee shall not carry a concealed firearm while
11 under the influence of alcohol, other drug or drugs,
12 intoxicating compound or combination of compounds, or any
13 combination thereof, under the standards set forth in
14 subsection (a) of Section 11-501 of the Illinois Vehicle Code.

15 A licensee in violation of this subsection (d) shall be
16 guilty of a Class A misdemeanor for a first or second violation
17 and a Class 4 felony for a third violation. The Department may
18 suspend a license for up to 6 months for a second violation and
19 shall permanently revoke a license for a third violation.

20 (e) Except as otherwise provided, a licensee in violation
21 of this Act shall be guilty of a Class B misdemeanor. A second
22 or subsequent violation is a Class A misdemeanor. The
23 Department may suspend a license for up to 6 months for a
24 second violation and shall permanently revoke a license for 3
25 or more violations of Section 65 of this Act. Any person
26 convicted of a violation under this Section shall pay a \$150

1 fee to be deposited into the Mental Health Reporting Fund,
2 plus any applicable court costs or fees.

3 (f) A licensee convicted or found guilty of a violation of
4 this Act who has a valid license and is otherwise eligible to
5 carry a concealed firearm shall only be subject to the
6 penalties under this Section and shall not be subject to the
7 penalties under Section 21-6, paragraph (4), (8), or (10) of
8 subsection (a) of Section 24-1, or subparagraph (A-5) or (B-5)
9 of paragraph (3) of subsection (a) of Section 24-1.6 of the
10 Criminal Code of 2012. Except as otherwise provided in this
11 subsection, nothing in this subsection prohibits the licensee
12 from being subjected to penalties for violations other than
13 those specified in this Act.

14 (g) A licensee whose license is revoked, suspended, or
15 denied shall, within 48 hours of receiving notice of the
16 revocation, suspension, or denial, surrender his or her
17 concealed carry license to the local law enforcement agency
18 where the person resides. The local law enforcement agency
19 shall provide the licensee a receipt and transmit the
20 concealed carry license to the Department of State Police. If
21 the licensee whose concealed carry license has been revoked,
22 suspended, or denied fails to comply with the requirements of
23 this subsection, the law enforcement agency where the person
24 resides may petition the circuit court to issue a warrant to
25 search for and seize the concealed carry license in the
26 possession and under the custody or control of the licensee

1 whose concealed carry license has been revoked, suspended, or
2 denied. The observation of a concealed carry license in the
3 possession of a person whose license has been revoked,
4 suspended, or denied constitutes a sufficient basis for the
5 arrest of that person for violation of this subsection. A
6 violation of this subsection is a Class A misdemeanor.

7 (h) Except as otherwise provided in subsection (h-5), a ~~A~~
8 license issued or renewed under this Act shall be revoked if,
9 at any time, the licensee is found ineligible for a Firearm
10 Owner's Identification Card, or the licensee no longer
11 possesses a valid Firearm Owner's Identification Card. If the
12 Firearm Owner's Identification Card is expired or suspended
13 rather than denied or revoked, the license may be suspended
14 for a period of up to one year to allow the licensee to
15 reinstate his or her Firearm Owner's Identification Card. The
16 Illinois State Police shall adopt rules to enforce this
17 subsection. A licensee whose license is revoked under this
18 subsection (h) shall surrender his or her concealed carry
19 license as provided for in subsection (g) of this Section.

20 This subsection shall not apply to a person who has filed
21 an application with the State Police for renewal of a Firearm
22 Owner's Identification Card and who is not otherwise
23 ineligible to obtain a Firearm Owner's Identification Card.

24 (h-5) If the Firearm Owner's Identification Card of a
25 licensee under this Act expires during the term of the license
26 issued under this Act, the license and the Firearm Owner's

1 Identification Card remain valid, and the Illinois State
2 Police may automatically renew the licensee's Firearm Owner's
3 Identification Card as provided in subsection (c) of Section 5
4 of the Firearm Owners Identification Card Act.

5 (i) A certified firearms instructor who knowingly provides
6 or offers to provide a false certification that an applicant
7 has completed firearms training as required under this Act is
8 guilty of a Class A misdemeanor. A person guilty of a violation
9 of this subsection (i) is not eligible for court supervision.
10 The Department shall permanently revoke the firearms
11 instructor certification of a person convicted under this
12 subsection (i).

13 (Source: P.A. 100-607, eff. 1-1-19.)

14 Section 26. The Firearms Restraining Order Act is amended
15 by changing Sections 35 and 40 as follows:

16 (430 ILCS 67/35)

17 Sec. 35. Ex parte orders and emergency hearings.

18 (a) A petitioner may request an emergency firearms
19 restraining order by filing an affidavit or verified pleading
20 alleging that the respondent poses an immediate and present
21 danger of causing personal injury to himself, herself, or
22 another by having in his or her custody or control,
23 purchasing, possessing, or receiving a firearm. The petition
24 shall also describe the type and location of any firearm or

1 firearms presently believed by the petitioner to be possessed
2 or controlled by the respondent.

3 (b) If the respondent is alleged to pose an immediate and
4 present danger of causing personal injury to an intimate
5 partner, or an intimate partner is alleged to have been the
6 target of a threat or act of violence by the respondent, the
7 petitioner shall make a good faith effort to provide notice to
8 any and all intimate partners of the respondent. The notice
9 must include that the petitioner intends to petition the court
10 for an emergency firearms restraining order, and, if the
11 petitioner is a law enforcement officer, referral to relevant
12 domestic violence or stalking advocacy or counseling
13 resources, if appropriate. The petitioner shall attest to
14 having provided the notice in the filed affidavit or verified
15 pleading. If, after making a good faith effort, the petitioner
16 is unable to provide notice to any or all intimate partners,
17 the affidavit or verified pleading should describe what
18 efforts were made.

19 (c) Every person who files a petition for an emergency
20 firearms restraining order, knowing the information provided
21 to the court at any hearing or in the affidavit or verified
22 pleading to be false, is guilty of perjury under Section 32-2
23 of the Criminal Code of 2012.

24 (d) An emergency firearms restraining order shall be
25 issued on an ex parte basis, that is, without notice to the
26 respondent.

1 (e) An emergency hearing held on an ex parte basis shall be
2 held the same day that the petition is filed or the next day
3 that the court is in session.

4 (f) If a circuit or associate judge finds probable cause
5 to believe that the respondent poses an immediate and present
6 danger of causing personal injury to himself, herself, or
7 another by having in his or her custody or control,
8 purchasing, possessing, or receiving a firearm, the circuit or
9 associate judge shall issue an emergency order.

10 (f-5) If the court issues an emergency firearms
11 restraining order, it shall, upon a finding of probable cause
12 that the respondent possesses firearms, issue a search warrant
13 directing a law enforcement agency to seize the respondent's
14 firearms. The court may, as part of that warrant, direct the
15 law enforcement agency to search the respondent's residence
16 and other places where the court finds there is probable cause
17 to believe he or she is likely to possess the firearms.

18 (g) An emergency firearms restraining order shall require:

19 (1) the respondent to refrain from having in his or
20 her custody or control, purchasing, possessing, or
21 receiving additional firearms for the duration of the
22 order pursuant to Section 8.2 of the Firearm Owners
23 Identification Card Act; and

24 (2) the respondent to comply with Section 9.5 of the
25 Firearm Owners Identification Card Act ~~turn over to the~~
26 ~~local law enforcement agency any Firearm Owner's~~

1 ~~Identification Card and subsection (g) of Section 70 of~~
2 ~~the Firearm Concealed Carry Act concealed carry license in~~
3 ~~his or her possession. The local law enforcement agency~~
4 ~~shall immediately mail the card and concealed carry~~
5 ~~license to the Department of State Police Firearm Services~~
6 ~~Bureau for safekeeping. The firearm or firearms and~~
7 ~~Firearm Owner's Identification Card and concealed carry~~
8 ~~license, if unexpired, shall be returned to the respondent~~
9 ~~after the firearms restraining order is terminated or~~
10 ~~expired.~~

11 (h) Except as otherwise provided in subsection (h-5) of
12 this Section, upon expiration of the period of safekeeping, if
13 the firearms or Firearm Owner's Identification Card and
14 concealed carry license cannot be returned to the respondent
15 because the respondent cannot be located, fails to respond to
16 requests to retrieve the firearms, or is not lawfully eligible
17 to possess a firearm, upon petition from the local law
18 enforcement agency, the court may order the local law
19 enforcement agency to destroy the firearms, use the firearms
20 for training purposes, or use the firearms for any other
21 application as deemed appropriate by the local law enforcement
22 agency.

23 (h-5) A respondent whose Firearm Owner's Identification
24 Card has been revoked or suspended may petition the court, if
25 the petitioner is present in court or has notice of the
26 respondent's petition, to transfer the respondent's firearm to

1 a person who is lawfully able to possess the firearm if the
2 person does not reside at the same address as the respondent.
3 Notice of the petition shall be served upon the person
4 protected by the emergency firearms restraining order. While
5 the order is in effect, the transferee who receives the
6 respondent's firearms must swear or affirm by affidavit that
7 he or she shall not transfer the firearm to the respondent or
8 to anyone residing in the same residence as the respondent.

9 (h-6) If a person other than the respondent claims title
10 to any firearms surrendered under this Section, he or she may
11 petition the court, if the petitioner is present in court or
12 has notice of the petition, to have the firearm returned to him
13 or her. If the court determines that person to be the lawful
14 owner of the firearm, the firearm shall be returned to him or
15 her, provided that:

16 (1) the firearm is removed from the respondent's
17 custody, control, or possession and the lawful owner
18 agrees to store the firearm in a manner such that the
19 respondent does not have access to or control of the
20 firearm; and

21 (2) the firearm is not otherwise unlawfully possessed
22 by the owner.

23 The person petitioning for the return of his or her
24 firearm must swear or affirm by affidavit that he or she: (i)
25 is the lawful owner of the firearm; (ii) shall not transfer the
26 firearm to the respondent; and (iii) will store the firearm in

1 a manner that the respondent does not have access to or control
2 of the firearm.

3 (i) In accordance with subsection (e) of this Section, the
4 court shall schedule a full hearing as soon as possible, but no
5 longer than 14 days from the issuance of an ex parte firearms
6 restraining order, to determine if a 6-month firearms
7 restraining order shall be issued. The court may extend an ex
8 parte order as needed, but not to exceed 14 days, to effectuate
9 service of the order or if necessary to continue protection.
10 The court may extend the order for a greater length of time by
11 mutual agreement of the parties.

12 (Source: P.A. 100-607, eff. 1-1-19; 101-81, eff. 7-12-19.)

13 (430 ILCS 67/40)

14 Sec. 40. Six-month orders.

15 (a) A petitioner may request a 6-month firearms
16 restraining order by filing an affidavit or verified pleading
17 alleging that the respondent poses a significant danger of
18 causing personal injury to himself, herself, or another in the
19 near future by having in his or her custody or control,
20 purchasing, possessing, or receiving a firearm. The petition
21 shall also describe the number, types, and locations of any
22 firearms presently believed by the petitioner to be possessed
23 or controlled by the respondent.

24 (b) If the respondent is alleged to pose a significant
25 danger of causing personal injury to an intimate partner, or

1 an intimate partner is alleged to have been the target of a
2 threat or act of violence by the respondent, the petitioner
3 shall make a good faith effort to provide notice to any and all
4 intimate partners of the respondent. The notice must include
5 that the petitioner intends to petition the court for a
6 6-month firearms restraining order, and, if the petitioner is
7 a law enforcement officer, referral to relevant domestic
8 violence or stalking advocacy or counseling resources, if
9 appropriate. The petitioner shall attest to having provided
10 the notice in the filed affidavit or verified pleading. If,
11 after making a good faith effort, the petitioner is unable to
12 provide notice to any or all intimate partners, the affidavit
13 or verified pleading should describe what efforts were made.

14 (c) Every person who files a petition for a 6-month
15 firearms restraining order, knowing the information provided
16 to the court at any hearing or in the affidavit or verified
17 pleading to be false, is guilty of perjury under Section 32-2
18 of the Criminal Code of 2012.

19 (d) Upon receipt of a petition for a 6-month firearms
20 restraining order, the court shall order a hearing within 30
21 days.

22 (e) In determining whether to issue a firearms restraining
23 order under this Section, the court shall consider evidence
24 including, but not limited to, the following:

25 (1) The unlawful and reckless use, display, or
26 brandishing of a firearm by the respondent.

1 (2) The history of use, attempted use, or threatened
2 use of physical force by the respondent against another
3 person.

4 (3) Any prior arrest of the respondent for a felony
5 offense.

6 (4) Evidence of the abuse of controlled substances or
7 alcohol by the respondent.

8 (5) A recent threat of violence or act of violence by
9 the respondent directed toward himself, herself, or
10 another.

11 (6) A violation of an emergency order of protection
12 issued under Section 217 of the Illinois Domestic Violence
13 Act of 1986 or Section 112A-17 of the Code of Criminal
14 Procedure of 1963 or of an order of protection issued
15 under Section 214 of the Illinois Domestic Violence Act of
16 1986 or Section 112A-14 of the Code of Criminal Procedure
17 of 1963.

18 (7) A pattern of violent acts or violent threats,
19 including, but not limited to, threats of violence or acts
20 of violence by the respondent directed toward himself,
21 herself, or another.

22 (f) At the hearing, the petitioner shall have the burden
23 of proving, by clear and convincing evidence, that the
24 respondent poses a significant danger of personal injury to
25 himself, herself, or another by having in his or her custody or
26 control, purchasing, possessing, or receiving a firearm.

1 (g) If the court finds that there is clear and convincing
2 evidence to issue a firearms restraining order, the court
3 shall issue a firearms restraining order that shall be in
4 effect for 6 months subject to renewal under Section 45 of this
5 Act or termination under that Section.

6 (g-5) If the court issues a 6-month firearms restraining
7 order, it shall, upon a finding of probable cause that the
8 respondent possesses firearms, issue a search warrant
9 directing a law enforcement agency to seize the respondent's
10 firearms. The court may, as part of that warrant, direct the
11 law enforcement agency to search the respondent's residence
12 and other places where the court finds there is probable cause
13 to believe he or she is likely to possess the firearms.

14 (h) A 6-month firearms restraining order shall require:

15 (1) the respondent to refrain from having in his or
16 her custody or control, purchasing, possessing, or
17 receiving additional firearms for the duration of the
18 order pursuant to Section 8.2 of the Firearm Owners
19 Identification Card Act; and

20 (2) the respondent to comply with Section 9.5 of the
21 Firearm Owners Identification Card Act and subsection (g)
22 of Section 70 of the Firearm Concealed Carry Act ~~turn over~~
23 ~~to the local law enforcement agency any firearm or Firearm~~
24 ~~Owner's Identification Card and concealed carry license in~~
25 ~~his or her possession. The local law enforcement agency~~
26 ~~shall immediately mail the card and concealed carry~~

1 ~~license to the Department of State Police Firearm Services~~
2 ~~Bureau for safekeeping. The firearm or firearms and~~
3 ~~Firearm Owner's Identification Card and concealed carry~~
4 ~~license, if unexpired, shall be returned to the respondent~~
5 ~~after the firearms restraining order is terminated or~~
6 ~~expired.~~

7 (i) Except as otherwise provided in subsection (i-5) of
8 this Section, upon expiration of the period of safekeeping, if
9 the firearms or Firearm Owner's Identification Card cannot be
10 returned to the respondent because the respondent cannot be
11 located, fails to respond to requests to retrieve the
12 firearms, or is not lawfully eligible to possess a firearm,
13 upon petition from the local law enforcement agency, the court
14 may order the local law enforcement agency to destroy the
15 firearms, use the firearms for training purposes, or use the
16 firearms for any other application as deemed appropriate by
17 the local law enforcement agency.

18 (i-5) A respondent whose Firearm Owner's Identification
19 Card has been revoked or suspended may petition the court, if
20 the petitioner is present in court or has notice of the
21 respondent's petition, to transfer the respondent's firearm to
22 a person who is lawfully able to possess the firearm if the
23 person does not reside at the same address as the respondent.
24 Notice of the petition shall be served upon the person
25 protected by the emergency firearms restraining order. While
26 the order is in effect, the transferee who receives the

1 respondent's firearms must swear or affirm by affidavit that
2 he or she shall not transfer the firearm to the respondent or
3 to anyone residing in the same residence as the respondent.

4 (i-6) If a person other than the respondent claims title
5 to any firearms surrendered under this Section, he or she may
6 petition the court, if the petitioner is present in court or
7 has notice of the petition, to have the firearm returned to him
8 or her. If the court determines that person to be the lawful
9 owner of the firearm, the firearm shall be returned to him or
10 her, provided that:

11 (1) the firearm is removed from the respondent's
12 custody, control, or possession and the lawful owner
13 agrees to store the firearm in a manner such that the
14 respondent does not have access to or control of the
15 firearm; and

16 (2) the firearm is not otherwise unlawfully possessed
17 by the owner.

18 The person petitioning for the return of his or her
19 firearm must swear or affirm by affidavit that he or she: (i)
20 is the lawful owner of the firearm; (ii) shall not transfer the
21 firearm to the respondent; and (iii) will store the firearm in
22 a manner that the respondent does not have access to or control
23 of the firearm.

24 (j) If the court does not issue a firearms restraining
25 order at the hearing, the court shall dissolve any emergency
26 firearms restraining order then in effect.

1 (k) When the court issues a firearms restraining order
2 under this Section, the court shall inform the respondent that
3 he or she is entitled to one hearing during the period of the
4 order to request a termination of the order, under Section 45
5 of this Act, and shall provide the respondent with a form to
6 request a hearing.

7 (Source: P.A. 100-607, eff. 1-1-19; 101-81, eff. 7-12-19.)

8 Section 30. The Criminal Code of 2012 is amended by
9 changing Section 24-3 as follows:

10 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

11 Sec. 24-3. Unlawful sale or delivery of firearms.

12 (A) A person commits the offense of unlawful sale or
13 delivery of firearms when he or she knowingly does any of the
14 following:

15 (a) Sells or gives any firearm of a size which may be
16 concealed upon the person to any person under 18 years of
17 age.

18 (b) Sells or gives any firearm to a person under 21
19 years of age who has been convicted of a misdemeanor other
20 than a traffic offense or adjudged delinquent.

21 (c) Sells or gives any firearm to any narcotic addict.

22 (d) Sells or gives any firearm to any person who has
23 been convicted of a felony under the laws of this or any
24 other jurisdiction.

1 (e) Sells or gives any firearm to any person who has
2 been a patient in a mental institution within the past 5
3 years. In this subsection (e):

4 "Mental institution" means any hospital,
5 institution, clinic, evaluation facility, mental
6 health center, or part thereof, which is used
7 primarily for the care or treatment of persons with
8 mental illness.

9 "Patient in a mental institution" means the person
10 was admitted, either voluntarily or involuntarily, to
11 a mental institution for mental health treatment,
12 unless the treatment was voluntary and solely for an
13 alcohol abuse disorder and no other secondary
14 substance abuse disorder or mental illness.

15 (f) Sells or gives any firearms to any person who is a
16 person with an intellectual disability.

17 (g) Delivers any firearm, incidental to a sale,
18 without withholding delivery of the firearm for at least
19 72 hours after application for its purchase has been made,
20 or delivers a stun gun or taser, incidental to a sale,
21 without withholding delivery of the stun gun or taser for
22 at least 24 hours after application for its purchase has
23 been made. However, this paragraph (g) does not apply to:
24 (1) the sale of a firearm to a law enforcement officer if
25 the seller of the firearm knows that the person to whom he
26 or she is selling the firearm is a law enforcement officer

1 or the sale of a firearm to a person who desires to
2 purchase a firearm for use in promoting the public
3 interest incident to his or her employment as a bank
4 guard, armed truck guard, or other similar employment; (2)
5 a mail order sale of a firearm from a federally licensed
6 firearms dealer to a nonresident of Illinois under which
7 the firearm is mailed to a federally licensed firearms
8 dealer outside the boundaries of Illinois; (3) (blank);
9 (4) the sale of a firearm to a dealer licensed as a federal
10 firearms dealer under Section 923 of the federal Gun
11 Control Act of 1968 (18 U.S.C. 923); or (5) the transfer or
12 sale of any rifle, shotgun, or other long gun to a resident
13 registered competitor or attendee or non-resident
14 registered competitor or attendee by any dealer licensed
15 as a federal firearms dealer under Section 923 of the
16 federal Gun Control Act of 1968 at competitive shooting
17 events held at the World Shooting Complex sanctioned by a
18 national governing body. For purposes of transfers or
19 sales under subparagraph (5) of this paragraph (g), the
20 Department of Natural Resources shall give notice to the
21 Department of State Police at least 30 calendar days prior
22 to any competitive shooting events at the World Shooting
23 Complex sanctioned by a national governing body. The
24 notification shall be made on a form prescribed by the
25 Department of State Police. The sanctioning body shall
26 provide a list of all registered competitors and attendees

1 at least 24 hours before the events to the Department of
2 State Police. Any changes to the list of registered
3 competitors and attendees shall be forwarded to the
4 Department of State Police as soon as practicable. The
5 Department of State Police must destroy the list of
6 registered competitors and attendees no later than 30 days
7 after the date of the event. Nothing in this paragraph (g)
8 relieves a federally licensed firearm dealer from the
9 requirements of conducting a NICS background check through
10 the Illinois Point of Contact under 18 U.S.C. 922(t). For
11 purposes of this paragraph (g), "application" means when
12 the buyer and seller reach an agreement to purchase a
13 firearm. For purposes of this paragraph (g), "national
14 governing body" means a group of persons who adopt rules
15 and formulate policy on behalf of a national firearm
16 sporting organization.

17 (h) While holding any license as a dealer, importer,
18 manufacturer or pawnbroker under the federal Gun Control
19 Act of 1968, manufactures, sells or delivers to any
20 unlicensed person a handgun having a barrel, slide, frame
21 or receiver which is a die casting of zinc alloy or any
22 other nonhomogeneous metal which will melt or deform at a
23 temperature of less than 800 degrees Fahrenheit. For
24 purposes of this paragraph, (1) "firearm" is defined as in
25 the Firearm Owners Identification Card Act; and (2)
26 "handgun" is defined as a firearm designed to be held and

1 fired by the use of a single hand, and includes a
2 combination of parts from which such a firearm can be
3 assembled.

4 (i) Sells or gives a firearm of any size to any person
5 under 18 years of age who does not possess a valid Firearm
6 Owner's Identification Card.

7 (j) Sells or gives a firearm while engaged in the
8 business of selling firearms at wholesale or retail
9 without being licensed as a federal firearms dealer under
10 Section 923 of the federal Gun Control Act of 1968 (18
11 U.S.C. 923). In this paragraph (j):

12 A person "engaged in the business" means a person who
13 devotes time, attention, and labor to engaging in the
14 activity as a regular course of trade or business with the
15 principal objective of livelihood and profit, but does not
16 include a person who makes occasional repairs of firearms
17 or who occasionally fits special barrels, stocks, or
18 trigger mechanisms to firearms.

19 "With the principal objective of livelihood and
20 profit" means that the intent underlying the sale or
21 disposition of firearms is predominantly one of obtaining
22 livelihood and pecuniary gain, as opposed to other
23 intents, such as improving or liquidating a personal
24 firearms collection; however, proof of profit shall not be
25 required as to a person who engages in the regular and
26 repetitive purchase and disposition of firearms for

1 criminal purposes or terrorism.

2 (k) Sells or transfers ownership of a firearm to a
3 person who does not possess ~~display to the seller or~~
4 ~~transferor of the firearm~~ either: (1) a currently valid
5 Firearm Owner's Identification Card that has previously
6 been issued in the transferee's name by the Department of
7 State Police under the provisions of the Firearm Owners
8 Identification Card Act; or (2) a currently valid license
9 to carry a concealed firearm that has previously been
10 issued in the transferee's name by the Department of State
11 Police under the Firearm Concealed Carry Act. This
12 paragraph (k) does not apply to the transfer of a firearm
13 to a person who is exempt from the requirement of
14 possessing a Firearm Owner's Identification Card under
15 Section 2 of the Firearm Owners Identification Card Act.
16 For the purposes of this Section, a currently valid
17 Firearm Owner's Identification Card or license to carry a
18 concealed firearm means receipt of ~~(i) a Firearm Owner's~~
19 ~~Identification Card that has not expired or (ii) an~~
20 approval number issued in accordance with subsection
21 (a-10) of subsection 3 or Section 3.1 of the Firearm
22 Owners Identification Card Act shall be proof that the
23 Firearm Owner's Identification Card was valid.

24 (1) In addition to the other requirements of this
25 paragraph (k), all persons who are not federally
26 licensed firearms dealers must also have complied with

1 subsection (a-10) of Section 3 of the Firearm Owners
2 Identification Card Act by determining the validity of
3 a purchaser's Firearm Owner's Identification Card.

4 (2) All sellers or transferors who have complied
5 with the requirements of subparagraph (1) of this
6 paragraph (k) shall not be liable for damages in any
7 civil action arising from the use or misuse by the
8 transferee of the firearm transferred, except for
9 willful or wanton misconduct on the part of the seller
10 or transferor.

11 (1) Not being entitled to the possession of a firearm,
12 delivers the firearm, knowing it to have been stolen or
13 converted. It may be inferred that a person who possesses
14 a firearm with knowledge that its serial number has been
15 removed or altered has knowledge that the firearm is
16 stolen or converted.

17 (B) Paragraph (h) of subsection (A) does not include
18 firearms sold within 6 months after enactment of Public Act
19 78-355 (approved August 21, 1973, effective October 1, 1973),
20 nor is any firearm legally owned or possessed by any citizen or
21 purchased by any citizen within 6 months after the enactment
22 of Public Act 78-355 subject to confiscation or seizure under
23 the provisions of that Public Act. Nothing in Public Act
24 78-355 shall be construed to prohibit the gift or trade of any
25 firearm if that firearm was legally held or acquired within 6
26 months after the enactment of that Public Act.

1 (C) Sentence.

2 (1) Any person convicted of unlawful sale or delivery
3 of firearms in violation of paragraph (c), (e), (f), (g),
4 or (h) of subsection (A) commits a Class 4 felony.

5 (2) Any person convicted of unlawful sale or delivery
6 of firearms in violation of paragraph (b) or (i) of
7 subsection (A) commits a Class 3 felony.

8 (3) Any person convicted of unlawful sale or delivery
9 of firearms in violation of paragraph (a) of subsection
10 (A) commits a Class 2 felony.

11 (4) Any person convicted of unlawful sale or delivery
12 of firearms in violation of paragraph (a), (b), or (i) of
13 subsection (A) in any school, on the real property
14 comprising a school, within 1,000 feet of the real
15 property comprising a school, at a school related
16 activity, or on or within 1,000 feet of any conveyance
17 owned, leased, or contracted by a school or school
18 district to transport students to or from school or a
19 school related activity, regardless of the time of day or
20 time of year at which the offense was committed, commits a
21 Class 1 felony. Any person convicted of a second or
22 subsequent violation of unlawful sale or delivery of
23 firearms in violation of paragraph (a), (b), or (i) of
24 subsection (A) in any school, on the real property
25 comprising a school, within 1,000 feet of the real
26 property comprising a school, at a school related

1 activity, or on or within 1,000 feet of any conveyance
2 owned, leased, or contracted by a school or school
3 district to transport students to or from school or a
4 school related activity, regardless of the time of day or
5 time of year at which the offense was committed, commits a
6 Class 1 felony for which the sentence shall be a term of
7 imprisonment of no less than 5 years and no more than 15
8 years.

9 (5) Any person convicted of unlawful sale or delivery
10 of firearms in violation of paragraph (a) or (i) of
11 subsection (A) in residential property owned, operated, or
12 managed by a public housing agency or leased by a public
13 housing agency as part of a scattered site or mixed-income
14 development, in a public park, in a courthouse, on
15 residential property owned, operated, or managed by a
16 public housing agency or leased by a public housing agency
17 as part of a scattered site or mixed-income development,
18 on the real property comprising any public park, on the
19 real property comprising any courthouse, or on any public
20 way within 1,000 feet of the real property comprising any
21 public park, courthouse, or residential property owned,
22 operated, or managed by a public housing agency or leased
23 by a public housing agency as part of a scattered site or
24 mixed-income development commits a Class 2 felony.

25 (6) Any person convicted of unlawful sale or delivery
26 of firearms in violation of paragraph (j) of subsection

1 (A) commits a Class A misdemeanor. A second or subsequent
2 violation is a Class 4 felony.

3 (7) Any person convicted of unlawful sale or delivery
4 of firearms in violation of paragraph (k) of subsection
5 (A) commits a Class 4 felony, except that a violation of
6 subparagraph (1) of paragraph (k) of subsection (A) shall
7 not be punishable as a crime or petty offense. A third or
8 subsequent conviction for a violation of paragraph (k) of
9 subsection (A) is a Class 1 felony.

10 (8) A person 18 years of age or older convicted of
11 unlawful sale or delivery of firearms in violation of
12 paragraph (a) or (i) of subsection (A), when the firearm
13 that was sold or given to another person under 18 years of
14 age was used in the commission of or attempt to commit a
15 forcible felony, shall be fined or imprisoned, or both,
16 not to exceed the maximum provided for the most serious
17 forcible felony so committed or attempted by the person
18 under 18 years of age who was sold or given the firearm.

19 (9) Any person convicted of unlawful sale or delivery
20 of firearms in violation of paragraph (d) of subsection
21 (A) commits a Class 3 felony.

22 (10) Any person convicted of unlawful sale or delivery
23 of firearms in violation of paragraph (1) of subsection
24 (A) commits a Class 2 felony if the delivery is of one
25 firearm. Any person convicted of unlawful sale or delivery
26 of firearms in violation of paragraph (1) of subsection

1 (A) commits a Class 1 felony if the delivery is of not less
2 than 2 and not more than 5 firearms at the same time or
3 within a one year period. Any person convicted of unlawful
4 sale or delivery of firearms in violation of paragraph (1)
5 of subsection (A) commits a Class X felony for which he or
6 she shall be sentenced to a term of imprisonment of not
7 less than 6 years and not more than 30 years if the
8 delivery is of not less than 6 and not more than 10
9 firearms at the same time or within a 2 year period. Any
10 person convicted of unlawful sale or delivery of firearms
11 in violation of paragraph (1) of subsection (A) commits a
12 Class X felony for which he or she shall be sentenced to a
13 term of imprisonment of not less than 6 years and not more
14 than 40 years if the delivery is of not less than 11 and
15 not more than 20 firearms at the same time or within a 3
16 year period. Any person convicted of unlawful sale or
17 delivery of firearms in violation of paragraph (1) of
18 subsection (A) commits a Class X felony for which he or she
19 shall be sentenced to a term of imprisonment of not less
20 than 6 years and not more than 50 years if the delivery is
21 of not less than 21 and not more than 30 firearms at the
22 same time or within a 4 year period. Any person convicted
23 of unlawful sale or delivery of firearms in violation of
24 paragraph (1) of subsection (A) commits a Class X felony
25 for which he or she shall be sentenced to a term of
26 imprisonment of not less than 6 years and not more than 60

1 years if the delivery is of 31 or more firearms at the same
2 time or within a 5 year period.

3 (D) For purposes of this Section:

4 "School" means a public or private elementary or secondary
5 school, community college, college, or university.

6 "School related activity" means any sporting, social,
7 academic, or other activity for which students' attendance or
8 participation is sponsored, organized, or funded in whole or
9 in part by a school or school district.

10 (E) A prosecution for a violation of paragraph (k) of
11 subsection (A) of this Section may be commenced within 6 years
12 after the commission of the offense. A prosecution for a
13 violation of this Section other than paragraph (g) of
14 subsection (A) of this Section may be commenced within 5 years
15 after the commission of the offense defined in the particular
16 paragraph.

17 (Source: P.A. 99-29, eff. 7-10-15; 99-143, eff. 7-27-15;
18 99-642, eff. 7-28-16; 100-606, eff. 1-1-19.)

19 Section 35. The Code of Criminal Procedure of 1963 is
20 amended by changing Section 112A-14 as follows:

21 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

22 Sec. 112A-14. Domestic violence order of protection;
23 remedies.

24 (a) (Blank).

1 (b) The court may order any of the remedies listed in this
2 subsection (b). The remedies listed in this subsection (b)
3 shall be in addition to other civil or criminal remedies
4 available to petitioner.

5 (1) Prohibition of abuse. Prohibit respondent's
6 harassment, interference with personal liberty,
7 intimidation of a dependent, physical abuse, or willful
8 deprivation, as defined in this Article, if such abuse has
9 occurred or otherwise appears likely to occur if not
10 prohibited.

11 (2) Grant of exclusive possession of residence.
12 Prohibit respondent from entering or remaining in any
13 residence, household, or premises of the petitioner,
14 including one owned or leased by respondent, if petitioner
15 has a right to occupancy thereof. The grant of exclusive
16 possession of the residence, household, or premises shall
17 not affect title to real property, nor shall the court be
18 limited by the standard set forth in subsection (c-2) of
19 Section 501 of the Illinois Marriage and Dissolution of
20 Marriage Act.

21 (A) Right to occupancy. A party has a right to
22 occupancy of a residence or household if it is solely
23 or jointly owned or leased by that party, that party's
24 spouse, a person with a legal duty to support that
25 party or a minor child in that party's care, or by any
26 person or entity other than the opposing party that

1 authorizes that party's occupancy (e.g., a domestic
2 violence shelter). Standards set forth in subparagraph
3 (B) shall not preclude equitable relief.

4 (B) Presumption of hardships. If petitioner and
5 respondent each has the right to occupancy of a
6 residence or household, the court shall balance (i)
7 the hardships to respondent and any minor child or
8 dependent adult in respondent's care resulting from
9 entry of this remedy with (ii) the hardships to
10 petitioner and any minor child or dependent adult in
11 petitioner's care resulting from continued exposure to
12 the risk of abuse (should petitioner remain at the
13 residence or household) or from loss of possession of
14 the residence or household (should petitioner leave to
15 avoid the risk of abuse). When determining the balance
16 of hardships, the court shall also take into account
17 the accessibility of the residence or household.
18 Hardships need not be balanced if respondent does not
19 have a right to occupancy.

20 The balance of hardships is presumed to favor
21 possession by petitioner unless the presumption is
22 rebutted by a preponderance of the evidence, showing
23 that the hardships to respondent substantially
24 outweigh the hardships to petitioner and any minor
25 child or dependent adult in petitioner's care. The
26 court, on the request of petitioner or on its own

1 motion, may order respondent to provide suitable,
2 accessible, alternate housing for petitioner instead
3 of excluding respondent from a mutual residence or
4 household.

5 (3) Stay away order and additional prohibitions. Order
6 respondent to stay away from petitioner or any other
7 person protected by the domestic violence order of
8 protection, or prohibit respondent from entering or
9 remaining present at petitioner's school, place of
10 employment, or other specified places at times when
11 petitioner is present, or both, if reasonable, given the
12 balance of hardships. Hardships need not be balanced for
13 the court to enter a stay away order or prohibit entry if
14 respondent has no right to enter the premises.

15 (A) If a domestic violence order of protection
16 grants petitioner exclusive possession of the
17 residence, prohibits respondent from entering the
18 residence, or orders respondent to stay away from
19 petitioner or other protected persons, then the court
20 may allow respondent access to the residence to remove
21 items of clothing and personal adornment used
22 exclusively by respondent, medications, and other
23 items as the court directs. The right to access shall
24 be exercised on only one occasion as the court directs
25 and in the presence of an agreed-upon adult third
26 party or law enforcement officer.

1 (B) When the petitioner and the respondent attend
2 the same public, private, or non-public elementary,
3 middle, or high school, the court when issuing a
4 domestic violence order of protection and providing
5 relief shall consider the severity of the act, any
6 continuing physical danger or emotional distress to
7 the petitioner, the educational rights guaranteed to
8 the petitioner and respondent under federal and State
9 law, the availability of a transfer of the respondent
10 to another school, a change of placement or a change of
11 program of the respondent, the expense, difficulty,
12 and educational disruption that would be caused by a
13 transfer of the respondent to another school, and any
14 other relevant facts of the case. The court may order
15 that the respondent not attend the public, private, or
16 non-public elementary, middle, or high school attended
17 by the petitioner, order that the respondent accept a
18 change of placement or change of program, as
19 determined by the school district or private or
20 non-public school, or place restrictions on the
21 respondent's movements within the school attended by
22 the petitioner. The respondent bears the burden of
23 proving by a preponderance of the evidence that a
24 transfer, change of placement, or change of program of
25 the respondent is not available. The respondent also
26 bears the burden of production with respect to the

1 expense, difficulty, and educational disruption that
2 would be caused by a transfer of the respondent to
3 another school. A transfer, change of placement, or
4 change of program is not unavailable to the respondent
5 solely on the ground that the respondent does not
6 agree with the school district's or private or
7 non-public school's transfer, change of placement, or
8 change of program or solely on the ground that the
9 respondent fails or refuses to consent or otherwise
10 does not take an action required to effectuate a
11 transfer, change of placement, or change of program.
12 When a court orders a respondent to stay away from the
13 public, private, or non-public school attended by the
14 petitioner and the respondent requests a transfer to
15 another attendance center within the respondent's
16 school district or private or non-public school, the
17 school district or private or non-public school shall
18 have sole discretion to determine the attendance
19 center to which the respondent is transferred. If the
20 court order results in a transfer of the minor
21 respondent to another attendance center, a change in
22 the respondent's placement, or a change of the
23 respondent's program, the parents, guardian, or legal
24 custodian of the respondent is responsible for
25 transportation and other costs associated with the
26 transfer or change.

1 (C) The court may order the parents, guardian, or
2 legal custodian of a minor respondent to take certain
3 actions or to refrain from taking certain actions to
4 ensure that the respondent complies with the order. If
5 the court orders a transfer of the respondent to
6 another school, the parents, guardian, or legal
7 custodian of the respondent is responsible for
8 transportation and other costs associated with the
9 change of school by the respondent.

10 (4) Counseling. Require or recommend the respondent to
11 undergo counseling for a specified duration with a social
12 worker, psychologist, clinical psychologist,
13 psychiatrist, family service agency, alcohol or substance
14 abuse program, mental health center guidance counselor,
15 agency providing services to elders, program designed for
16 domestic violence abusers, or any other guidance service
17 the court deems appropriate. The court may order the
18 respondent in any intimate partner relationship to report
19 to an Illinois Department of Human Services protocol
20 approved partner abuse intervention program for an
21 assessment and to follow all recommended treatment.

22 (5) Physical care and possession of the minor child.
23 In order to protect the minor child from abuse, neglect,
24 or unwarranted separation from the person who has been the
25 minor child's primary caretaker, or to otherwise protect
26 the well-being of the minor child, the court may do either

1 or both of the following: (i) grant petitioner physical
2 care or possession of the minor child, or both, or (ii)
3 order respondent to return a minor child to, or not remove
4 a minor child from, the physical care of a parent or person
5 in loco parentis.

6 If the respondent is charged with abuse (as defined in
7 Section 112A-3 of this Code) of a minor child, there shall
8 be a rebuttable presumption that awarding physical care to
9 respondent would not be in the minor child's best
10 interest.

11 (6) Temporary allocation of parental responsibilities
12 and significant decision-making responsibilities. Award
13 temporary significant decision-making responsibility to
14 petitioner in accordance with this Section, the Illinois
15 Marriage and Dissolution of Marriage Act, the Illinois
16 Parentage Act of 2015, and this State's Uniform
17 Child-Custody Jurisdiction and Enforcement Act.

18 If the respondent is charged with abuse (as defined in
19 Section 112A-3 of this Code) of a minor child, there shall
20 be a rebuttable presumption that awarding temporary
21 significant decision-making responsibility to respondent
22 would not be in the child's best interest.

23 (7) Parenting time. Determine the parenting time, if
24 any, of respondent in any case in which the court awards
25 physical care or temporary significant decision-making
26 responsibility of a minor child to petitioner. The court

1 shall restrict or deny respondent's parenting time with a
2 minor child if the court finds that respondent has done or
3 is likely to do any of the following:

4 (i) abuse or endanger the minor child during
5 parenting time;

6 (ii) use the parenting time as an opportunity to
7 abuse or harass petitioner or petitioner's family or
8 household members;

9 (iii) improperly conceal or detain the minor
10 child; or

11 (iv) otherwise act in a manner that is not in the
12 best interests of the minor child.

13 The court shall not be limited by the standards set
14 forth in Section 603.10 of the Illinois Marriage and
15 Dissolution of Marriage Act. If the court grants parenting
16 time, the order shall specify dates and times for the
17 parenting time to take place or other specific parameters
18 or conditions that are appropriate. No order for parenting
19 time shall refer merely to the term "reasonable parenting
20 time". Petitioner may deny respondent access to the minor
21 child if, when respondent arrives for parenting time,
22 respondent is under the influence of drugs or alcohol and
23 constitutes a threat to the safety and well-being of
24 petitioner or petitioner's minor children or is behaving
25 in a violent or abusive manner. If necessary to protect
26 any member of petitioner's family or household from future

1 abuse, respondent shall be prohibited from coming to
2 petitioner's residence to meet the minor child for
3 parenting time, and the petitioner and respondent shall
4 submit to the court their recommendations for reasonable
5 alternative arrangements for parenting time. A person may
6 be approved to supervise parenting time only after filing
7 an affidavit accepting that responsibility and
8 acknowledging accountability to the court.

9 (8) Removal or concealment of minor child. Prohibit
10 respondent from removing a minor child from the State or
11 concealing the child within the State.

12 (9) Order to appear. Order the respondent to appear in
13 court, alone or with a minor child, to prevent abuse,
14 neglect, removal or concealment of the child, to return
15 the child to the custody or care of the petitioner, or to
16 permit any court-ordered interview or examination of the
17 child or the respondent.

18 (10) Possession of personal property. Grant petitioner
19 exclusive possession of personal property and, if
20 respondent has possession or control, direct respondent to
21 promptly make it available to petitioner, if:

22 (i) petitioner, but not respondent, owns the
23 property; or

24 (ii) the petitioner and respondent own the
25 property jointly; sharing it would risk abuse of
26 petitioner by respondent or is impracticable; and the

1 balance of hardships favors temporary possession by
2 petitioner.

3 If petitioner's sole claim to ownership of the
4 property is that it is marital property, the court may
5 award petitioner temporary possession thereof under the
6 standards of subparagraph (ii) of this paragraph only if a
7 proper proceeding has been filed under the Illinois
8 Marriage and Dissolution of Marriage Act, as now or
9 hereafter amended.

10 No order under this provision shall affect title to
11 property.

12 (11) Protection of property. Forbid the respondent
13 from taking, transferring, encumbering, concealing,
14 damaging, or otherwise disposing of any real or personal
15 property, except as explicitly authorized by the court,
16 if:

17 (i) petitioner, but not respondent, owns the
18 property; or

19 (ii) the petitioner and respondent own the
20 property jointly, and the balance of hardships favors
21 granting this remedy.

22 If petitioner's sole claim to ownership of the
23 property is that it is marital property, the court may
24 grant petitioner relief under subparagraph (ii) of this
25 paragraph only if a proper proceeding has been filed under
26 the Illinois Marriage and Dissolution of Marriage Act, as

1 now or hereafter amended.

2 The court may further prohibit respondent from
3 improperly using the financial or other resources of an
4 aged member of the family or household for the profit or
5 advantage of respondent or of any other person.

6 (11.5) Protection of animals. Grant the petitioner the
7 exclusive care, custody, or control of any animal owned,
8 possessed, leased, kept, or held by either the petitioner
9 or the respondent or a minor child residing in the
10 residence or household of either the petitioner or the
11 respondent and order the respondent to stay away from the
12 animal and forbid the respondent from taking,
13 transferring, encumbering, concealing, harming, or
14 otherwise disposing of the animal.

15 (12) Order for payment of support. Order respondent to
16 pay temporary support for the petitioner or any child in
17 the petitioner's care or over whom the petitioner has been
18 allocated parental responsibility, when the respondent has
19 a legal obligation to support that person, in accordance
20 with the Illinois Marriage and Dissolution of Marriage
21 Act, which shall govern, among other matters, the amount
22 of support, payment through the clerk and withholding of
23 income to secure payment. An order for child support may
24 be granted to a petitioner with lawful physical care of a
25 child, or an order or agreement for physical care of a
26 child, prior to entry of an order allocating significant

1 decision-making responsibility. Such a support order shall
2 expire upon entry of a valid order allocating parental
3 responsibility differently and vacating petitioner's
4 significant decision-making responsibility unless
5 otherwise provided in the order.

6 (13) Order for payment of losses. Order respondent to
7 pay petitioner for losses suffered as a direct result of
8 the abuse. Such losses shall include, but not be limited
9 to, medical expenses, lost earnings or other support,
10 repair or replacement of property damaged or taken,
11 reasonable attorney's fees, court costs, and moving or
12 other travel expenses, including additional reasonable
13 expenses for temporary shelter and restaurant meals.

14 (i) Losses affecting family needs. If a party is
15 entitled to seek maintenance, child support, or
16 property distribution from the other party under the
17 Illinois Marriage and Dissolution of Marriage Act, as
18 now or hereafter amended, the court may order
19 respondent to reimburse petitioner's actual losses, to
20 the extent that such reimbursement would be
21 "appropriate temporary relief", as authorized by
22 subsection (a) (3) of Section 501 of that Act.

23 (ii) Recovery of expenses. In the case of an
24 improper concealment or removal of a minor child, the
25 court may order respondent to pay the reasonable
26 expenses incurred or to be incurred in the search for

1 and recovery of the minor child, including, but not
2 limited to, legal fees, court costs, private
3 investigator fees, and travel costs.

4 (14) Prohibition of entry. Prohibit the respondent
5 from entering or remaining in the residence or household
6 while the respondent is under the influence of alcohol or
7 drugs and constitutes a threat to the safety and
8 well-being of the petitioner or the petitioner's children.

9 (14.5) Prohibition of firearm possession.

10 (A) A person who is subject to an existing
11 domestic violence order of protection issued under
12 this Code may not lawfully possess weapons or a valid
13 Firearm Owner's Identification Card under Section 8.2
14 of the Firearm Owners Identification Card Act.

15 (B) Any firearms in the possession of the
16 respondent, except as provided in subparagraph (C) of
17 this paragraph (14.5), shall be ordered by the court
18 to be turned over to a person with a valid Firearm
19 Owner's Identification Card for safekeeping. The court
20 shall issue an order that the respondent comply with
21 Section 9.5 of the Firearm Owners Identification Card
22 Act. ~~the respondent's Firearm Owner's Identification~~
23 ~~Card be turned over to the local law enforcement~~
24 ~~agency, which in turn shall immediately mail the card~~
25 ~~to the Department of State Police Firearm Owner's~~
26 ~~Identification Card Office for safekeeping. The period~~

1 ~~of safekeeping shall be for the duration of the~~
2 ~~domestic violence order of protection. The firearm or~~
3 ~~firearms and Firearm Owner's Identification Card, if~~
4 ~~unexpired, shall at the respondent's request be~~
5 ~~returned to the respondent at expiration of the~~
6 ~~domestic violence order of protection.~~

7 (C) If the respondent is a peace officer as
8 defined in Section 2-13 of the Criminal Code of 2012,
9 the court shall order that any firearms used by the
10 respondent in the performance of his or her duties as a
11 peace officer be surrendered to the chief law
12 enforcement executive of the agency in which the
13 respondent is employed, who shall retain the firearms
14 for safekeeping for the duration of the domestic
15 violence order of protection.

16 (D) Upon expiration of the period of safekeeping,
17 if the firearms or Firearm Owner's Identification Card
18 cannot be returned to respondent because respondent
19 cannot be located, fails to respond to requests to
20 retrieve the firearms, or is not lawfully eligible to
21 possess a firearm, upon petition from the local law
22 enforcement agency, the court may order the local law
23 enforcement agency to destroy the firearms, use the
24 firearms for training purposes, or for any other
25 application as deemed appropriate by the local law
26 enforcement agency; or that the firearms be turned

1 over to a third party who is lawfully eligible to
2 possess firearms, and who does not reside with
3 respondent.

4 (15) Prohibition of access to records. If a domestic
5 violence order of protection prohibits respondent from
6 having contact with the minor child, or if petitioner's
7 address is omitted under subsection (b) of Section 112A-5
8 of this Code, or if necessary to prevent abuse or wrongful
9 removal or concealment of a minor child, the order shall
10 deny respondent access to, and prohibit respondent from
11 inspecting, obtaining, or attempting to inspect or obtain,
12 school or any other records of the minor child who is in
13 the care of petitioner.

14 (16) Order for payment of shelter services. Order
15 respondent to reimburse a shelter providing temporary
16 housing and counseling services to the petitioner for the
17 cost of the services, as certified by the shelter and
18 deemed reasonable by the court.

19 (17) Order for injunctive relief. Enter injunctive
20 relief necessary or appropriate to prevent further abuse
21 of a family or household member or to effectuate one of the
22 granted remedies, if supported by the balance of
23 hardships. If the harm to be prevented by the injunction
24 is abuse or any other harm that one of the remedies listed
25 in paragraphs (1) through (16) of this subsection is
26 designed to prevent, no further evidence is necessary to

1 establish that the harm is an irreparable injury.

2 (18) Telephone services.

3 (A) Unless a condition described in subparagraph
4 (B) of this paragraph exists, the court may, upon
5 request by the petitioner, order a wireless telephone
6 service provider to transfer to the petitioner the
7 right to continue to use a telephone number or numbers
8 indicated by the petitioner and the financial
9 responsibility associated with the number or numbers,
10 as set forth in subparagraph (C) of this paragraph. In
11 this paragraph (18), the term "wireless telephone
12 service provider" means a provider of commercial
13 mobile service as defined in 47 U.S.C. 332. The
14 petitioner may request the transfer of each telephone
15 number that the petitioner, or a minor child in his or
16 her custody, uses. The clerk of the court shall serve
17 the order on the wireless telephone service provider's
18 agent for service of process provided to the Illinois
19 Commerce Commission. The order shall contain all of
20 the following:

21 (i) The name and billing telephone number of
22 the account holder including the name of the
23 wireless telephone service provider that serves
24 the account.

25 (ii) Each telephone number that will be
26 transferred.

1 (iii) A statement that the provider transfers
2 to the petitioner all financial responsibility for
3 and right to the use of any telephone number
4 transferred under this paragraph.

5 (B) A wireless telephone service provider shall
6 terminate the respondent's use of, and shall transfer
7 to the petitioner use of, the telephone number or
8 numbers indicated in subparagraph (A) of this
9 paragraph unless it notifies the petitioner, within 72
10 hours after it receives the order, that one of the
11 following applies:

12 (i) The account holder named in the order has
13 terminated the account.

14 (ii) A difference in network technology would
15 prevent or impair the functionality of a device on
16 a network if the transfer occurs.

17 (iii) The transfer would cause a geographic or
18 other limitation on network or service provision
19 to the petitioner.

20 (iv) Another technological or operational
21 issue would prevent or impair the use of the
22 telephone number if the transfer occurs.

23 (C) The petitioner assumes all financial
24 responsibility for and right to the use of any
25 telephone number transferred under this paragraph. In
26 this paragraph, "financial responsibility" includes

1 monthly service costs and costs associated with any
2 mobile device associated with the number.

3 (D) A wireless telephone service provider may
4 apply to the petitioner its routine and customary
5 requirements for establishing an account or
6 transferring a number, including requiring the
7 petitioner to provide proof of identification,
8 financial information, and customer preferences.

9 (E) Except for willful or wanton misconduct, a
10 wireless telephone service provider is immune from
11 civil liability for its actions taken in compliance
12 with a court order issued under this paragraph.

13 (F) All wireless service providers that provide
14 services to residential customers shall provide to the
15 Illinois Commerce Commission the name and address of
16 an agent for service of orders entered under this
17 paragraph (18). Any change in status of the registered
18 agent must be reported to the Illinois Commerce
19 Commission within 30 days of such change.

20 (G) The Illinois Commerce Commission shall
21 maintain the list of registered agents for service for
22 each wireless telephone service provider on the
23 Commission's website. The Commission may consult with
24 wireless telephone service providers and the Circuit
25 Court Clerks on the manner in which this information
26 is provided and displayed.

1 (c) Relevant factors; findings.

2 (1) In determining whether to grant a specific remedy,
3 other than payment of support, the court shall consider
4 relevant factors, including, but not limited to, the
5 following:

6 (i) the nature, frequency, severity, pattern, and
7 consequences of the respondent's past abuse of the
8 petitioner or any family or household member,
9 including the concealment of his or her location in
10 order to evade service of process or notice, and the
11 likelihood of danger of future abuse to petitioner or
12 any member of petitioner's or respondent's family or
13 household; and

14 (ii) the danger that any minor child will be
15 abused or neglected or improperly relocated from the
16 jurisdiction, improperly concealed within the State,
17 or improperly separated from the child's primary
18 caretaker.

19 (2) In comparing relative hardships resulting to the
20 parties from loss of possession of the family home, the
21 court shall consider relevant factors, including, but not
22 limited to, the following:

23 (i) availability, accessibility, cost, safety,
24 adequacy, location, and other characteristics of
25 alternate housing for each party and any minor child
26 or dependent adult in the party's care;

1 (ii) the effect on the party's employment; and
2 (iii) the effect on the relationship of the party,
3 and any minor child or dependent adult in the party's
4 care, to family, school, church, and community.

5 (3) Subject to the exceptions set forth in paragraph
6 (4) of this subsection (c), the court shall make its
7 findings in an official record or in writing, and shall at
8 a minimum set forth the following:

9 (i) That the court has considered the applicable
10 relevant factors described in paragraphs (1) and (2)
11 of this subsection (c).

12 (ii) Whether the conduct or actions of respondent,
13 unless prohibited, will likely cause irreparable harm
14 or continued abuse.

15 (iii) Whether it is necessary to grant the
16 requested relief in order to protect petitioner or
17 other alleged abused persons.

18 (4) (Blank).

19 (5) Never married parties. No rights or
20 responsibilities for a minor child born outside of
21 marriage attach to a putative father until a father and
22 child relationship has been established under the Illinois
23 Parentage Act of 1984, the Illinois Parentage Act of 2015,
24 the Illinois Public Aid Code, Section 12 of the Vital
25 Records Act, the Juvenile Court Act of 1987, the Probate
26 Act of 1975, the Uniform Interstate Family Support Act,

1 the Expedited Child Support Act of 1990, any judicial,
2 administrative, or other act of another state or
3 territory, any other statute of this State, or by any
4 foreign nation establishing the father and child
5 relationship, any other proceeding substantially in
6 conformity with the federal Personal Responsibility and
7 Work Opportunity Reconciliation Act of 1996, or when both
8 parties appeared in open court or at an administrative
9 hearing acknowledging under oath or admitting by
10 affirmation the existence of a father and child
11 relationship. Absent such an adjudication, no putative
12 father shall be granted temporary allocation of parental
13 responsibilities, including parenting time with the minor
14 child, or physical care and possession of the minor child,
15 nor shall an order of payment for support of the minor
16 child be entered.

17 (d) Balance of hardships; findings. If the court finds
18 that the balance of hardships does not support the granting of
19 a remedy governed by paragraph (2), (3), (10), (11), or (16) of
20 subsection (b) of this Section, which may require such
21 balancing, the court's findings shall so indicate and shall
22 include a finding as to whether granting the remedy will
23 result in hardship to respondent that would substantially
24 outweigh the hardship to petitioner from denial of the remedy.
25 The findings shall be an official record or in writing.

26 (e) Denial of remedies. Denial of any remedy shall not be

1 based, in whole or in part, on evidence that:

2 (1) respondent has cause for any use of force, unless
3 that cause satisfies the standards for justifiable use of
4 force provided by Article 7 of the Criminal Code of 2012;

5 (2) respondent was voluntarily intoxicated;

6 (3) petitioner acted in self-defense or defense of
7 another, provided that, if petitioner utilized force, such
8 force was justifiable under Article 7 of the Criminal Code
9 of 2012;

10 (4) petitioner did not act in self-defense or defense
11 of another;

12 (5) petitioner left the residence or household to
13 avoid further abuse by respondent;

14 (6) petitioner did not leave the residence or
15 household to avoid further abuse by respondent; or

16 (7) conduct by any family or household member excused
17 the abuse by respondent, unless that same conduct would
18 have excused such abuse if the parties had not been family
19 or household members.

20 (Source: P.A. 100-199, eff. 1-1-18; 100-388, eff. 1-1-18;
21 100-597, eff. 6-29-18; 100-863, eff. 8-14-18; 100-923, eff.
22 1-1-19; 101-81, eff. 7-12-19.)

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4	5 ILCS 140/7.5	
5	20 ILCS 2605/2605-304 new	
6	20 ILCS 2605/2605-605	
7	30 ILCS 105/5.935 new	
8	30 ILCS 105/6z-99	
9	30 ILCS 105/6z-124 new	
10	430 ILCS 65/1.1	from Ch. 38, par. 83-1.1
11	430 ILCS 65/3.1	from Ch. 38, par. 83-3.1
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23	430 ILCS 65/11	from Ch. 38, par. 83-11
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